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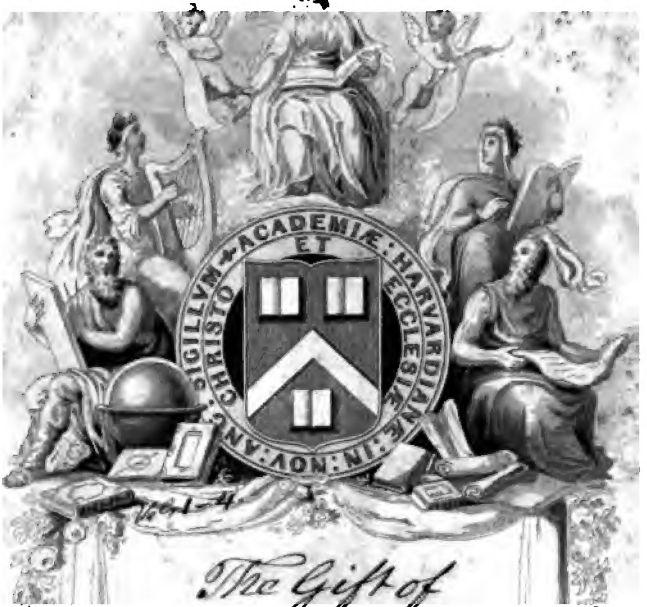
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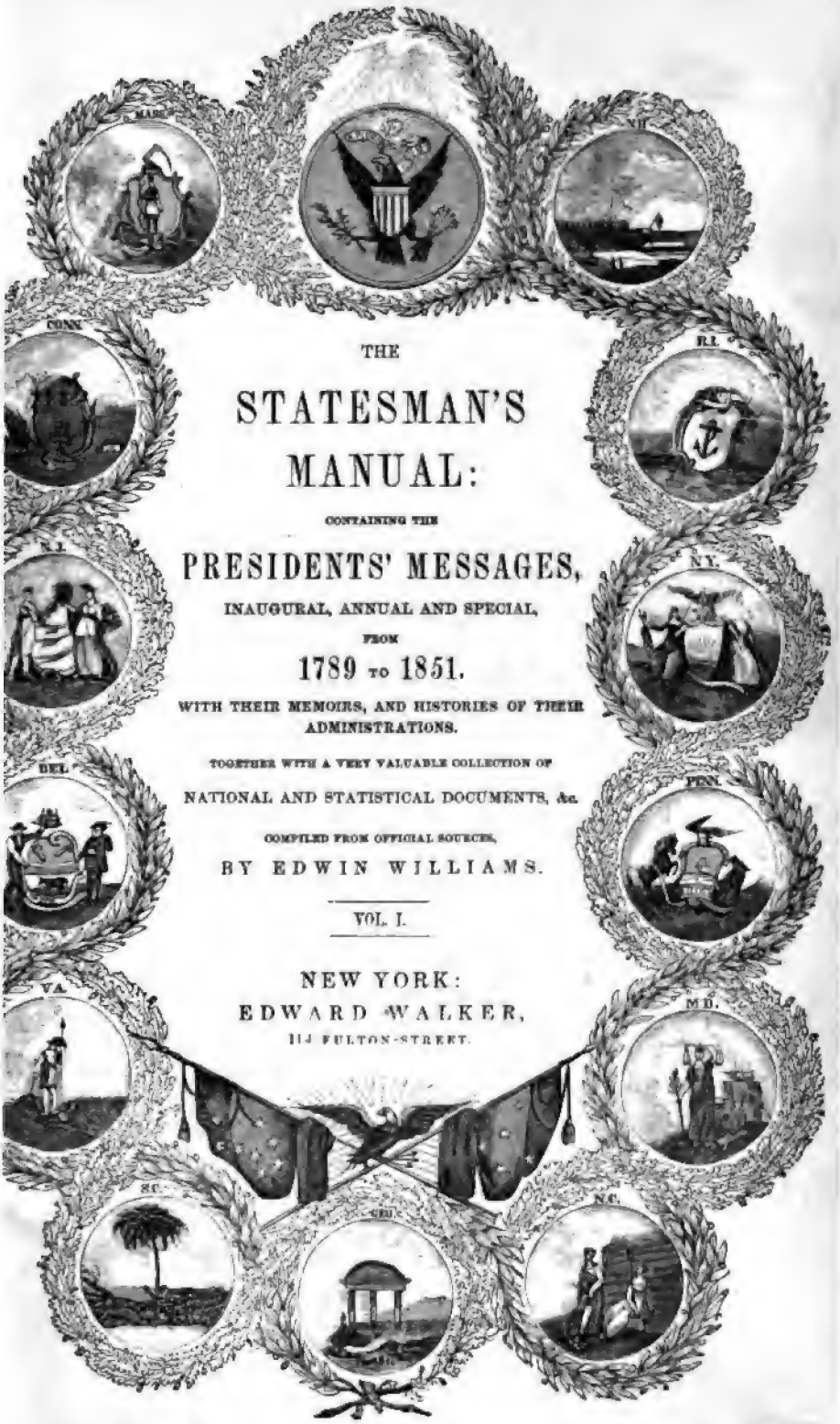
STATESMAN'S MANUAL.





G. Washington





THE

STATESMAN'S MANUAL:

CONTAINING THE

PRESIDENTS' MESSAGES,

INAUGURAL, ANNUAL AND SPECIAL,

FROM

1789 TO 1851.

WITH THEIR MEMOIRS, AND HISTORIES OF THEIR ADMINISTRATIONS.

TOGETHER WITH A VERY VALUABLE COLLECTION OF

NATIONAL AND STATISTICAL DOCUMENTS, &c.

COMPILED FROM OFFICIAL SOURCES,

BY EDWIN WILLIAMS.

VOL. I.

NEW YORK:
EDWARD WALKER,
113 FULTON-STREET.

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THE

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EMBELLISHED WITH PORTRAITS OF THE PRESIDENTS,

ENGRAVED ON STEEL BY VISTUS BALCH.

IN FOUR VOLUMES.

VOL. I.

NEW AND ENLARGED EDITION.

NEW YORK:

EDWARD WALKER, 114 FULTON STREET.

1854.

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STEREOTYPED BY C. C. SAVAGE,
13 Chambers Street, N Y.

TO THE

PEOPLE OF THE UNITED STATES,

THESE

NATIONAL ARCHIVES,

CONTAINING

The Chief Chronicles of our Country's Greatness,

ARE RESPECTFULLY DEDICATED,

By the Publisher.

INTRODUCTION.

In the compilation of the work which is contained in these volumes, we are confident that we have performed an acceptable service to the American public. Former editions of the presidents' messages have been imperfect and incomplete in many respects; particularly in having been taken, in some instances, from incorrect copies, and abounding in typographical errors; also in the omission of numerous important special messages. These defects we have now endeavored to remedy; in the first place, by a careful comparison of the copies in these pages, with official documents; and, secondly, by diligent research, to supply the special messages and inaugural addresses omitted in former compilations. It is hoped that this collection will be found to contain every address and message of all our presidents, from Washington to the present chief magistrate, which may be deemed important to elucidate the political history of this country, or to satisfy any reference that may be made by inquirers. The copious index, which is inserted at the end of the third volume, is a new feature of this compilation, that former editions have wanted; and, of course, their value for reference has been greatly impaired, by that omission.

The communications of the executive of this great republic to the national legislature, and the expositions of his policy and principles to his fellow-citizens, on entering upon the duties of his high office, must always be of interest to every intelligent and patriotic American. To most of these productions of statesmen who have been elevated by the voice of their countrymen to the chief magistracy of the nation, we may point with satisfaction, as containing lessons of political wisdom which will endure through all time. In this respect they will compare favorably with similar productions in the annals of any other nation.

To render these writings of the American presidents more valuable and complete, as a continued national history, from the adoption of our constitution to the present time, we have accompanied them with a brief memoir of each president, and a history of the events of his administration. The latter sketches include an account of the most important transactions of Congress, at every session since the year 1789, and a de-

tail of the prominent political events and movements of parties during each period.

In the preparation of the memoirs of the presidents, and the history of their administrations, we have consulted the most authentic writers on American history, as will appear by our quotations from their works; to which we here desire to express our acknowledgments. In this portion of our labors, we have endeavored to perform the part of a faithful and candid historian, whose office it is to relate events, and explain causes, without favor or prejudice. We feel the utmost confidence that intelligent and impartial readers will duly appreciate this task.

The Constitution of the United States, the Articles of Confederation, and the Declaration of Independence, must always form a portion of the text-book of the American statesman; and, indeed, of every citizen who understands his duties to the republic. These documents are, therefore, added to this collection, accompanied with notes, and an historical sketch of the political events which led to the adoption of these *Magna-Chartas* of our liberties. In the appendix will be found a variety of useful statistical information, so arranged as to be convenient for reference.

The American who loves his country, will examine with pleasure, as well as patriotic pride, the political history unfolded in the following voluminous pages of documents, biography, and narrative. He will behold the republic founded and established by the valor and wisdom of his ancestors, in the different stages of her progress—from the dawn of her existence as an independent power, through the blessing of Providence, overcoming every difficulty and danger—advancing in population, wealth, and territory, until she has acquired the first rank, in physical and moral ability, among the nations of the earth.

June, 1854.

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DECLARATION OF INDEPENDENCE,

JULY 4th, 1776.

THE UNANIMOUS DECLARATION OF THE THIRTEEN UNITED STATES OF AMERICA IN CONGRESS ASSEMBLED.

WHEN, in the course of human events, it becomes necessary for one people to dissolve the political bands which have connected them with another, and to assume among the powers of the earth the separate and equal station to which the laws of nature and of nature's God entitled them, a decent respect to the opinions of mankind requires that they should declare the causes which impel them to the separation.

We hold these truths to be self-evident: that all men are created equal; that they are endowed by their Creator with certain unalienable rights; that among these are life, liberty, and the pursuit of happiness; that, to secure these rights, governments are instituted among men, deriving their just powers from the consent of the governed; that, whenever any form of government becomes destructive of these ends, it is the right of the people to alter or to abolish it, and to institute new government, laying its foundation on such principles, and organizing its powers in such form, as to them shall seem most likely to effect their safety and happiness. Prudence, indeed, will dictate that governments long established should not be changed for light and transient causes; and, accordingly, all experience hath shown that mankind are more disposed to suffer, while evils are sufferable, than to right themselves by abolishing the forms to which they are accustomed. But when a long train of abuses and usurpations, pursuing invariably the same object, evinces a design to reduce them under absolute despotism, it is their right, it is their duty, to throw off such government, and to provide new guards for their future security. Such has been the patient sufferance of these colonies, and such is now the necessity which constrains them to alter their former systems of government. The history of the present king of Great Britain is a history of repeated injuries and usurpations, all having in direct object the establishment of an absolute tyranny over these states. To prove this, let facts be submitted to a candid world:—

He has refused his assent to laws the most wholesome and necessary for the public good.

He has forbidden his governors to pass laws of immediate and pressing importance, unless suspended in their operation till his assent should be

obtained; and, when so suspended, he has utterly neglected to attend to them.

He has refused to pass other laws for the accommodation of large districts of people, unless those people would relinquish the right of representation in the legislature—a right inestimable to them, and formidable to tyrants only.

He has called together legislative bodies at places unusual, uncomfortable, and distant from the repository of their public records, for the sole purpose of fatiguing them into compliance with his measures.

He has dissolved representative houses repeatedly for opposing with manly firmness his invasions on the rights of the people.

He has refused, for a long time after such dissolutions, to cause others to be elected; whereby the legislative powers, incapable of annihilation, have returned to the people at large for their exercise—the state remaining, in the meantime, exposed to all the dangers of invasion from without and convulsions within.

He has endeavored to prevent the population of these states—for that purpose obstructing the laws of naturalization of foreigners, refusing to pass others to encourage their migration hither, and raising the conditions of new appropriations of lands.

He has obstructed the administration of justice, by refusing his assent to laws for establishing judiciary powers.

He has made judges dependent on his will alone for the tenure of their offices and the amount and payment of their salaries.

He has erected a multitude of new offices, and sent hither swarms of officers to harass our people and eat out their substance.

He has kept among us, in times of peace, standing armies, without the consent of our legislatures.

He has affected to render the military independent of, and superior to the civil power.

He has combined with others to subject us to a jurisdiction foreign to our constitution and unacknowledged by our laws—giving his assent to their acts of pretended legislation.

For quartering large bodies of armed troops among us;

For protecting them, by a mock trial, from punishment for any murders which they should commit on the inhabitants of these states;

For cutting off our trade with all parts of the world;

For imposing taxes on us without our consent;

For depriving us, in many cases, of the benefits of trial by jury;

For transporting us beyond seas to be tried for pretended offences;

For abolishing the free system of English laws in a neighboring province establishing therein an arbitrary government, and enlarging its boundaries so as to render it at once an example and fit instrument for introducing the same absolute rule into these colonies;

For taking away our charters, abolishing our most valuable laws, and altering, fundamentally, the *forms* of our governments;

For suspending our own legislatures, and declaring themselves invested with power to legislate for us in all cases whatsoever.

He has abdicated government here by declaring us out of his protection and waging war against us.

He has plundered our seas, ravaged our coasts, burnt our towns, and destroyed the lives of our people.

He is at this time transporting large armies of foreign mercenaries to complete the works of death, desolation, and tyranny, already begun with circumstances of cruelty and perfidy scarcely paralleled in the most barbarous ages, and totally unworthy the head of a civilized nation.

He has constrained our fellow-citizens, taken captive on the high seas, to bear arms against their country, to become the executioners of their friends and brethren, or to fall themselves by their hands.

He has excited domestic insurrections among us, and has endeavored to bring on the inhabitants of our frontiers the merciless Indian savages, whose known rule of warfare is an undistinguished destruction of all ages, sexes, and conditions.

In every stage of these oppressions, we have petitioned for redress in the most humble terms. Our repeated petitions have been answered only by repeated injury. A prince, whose character is thus marked by every act which may define a tyrant, is unfit to be the ruler of a free people.

Nor have we been wanting in attentions to our British brethren. We have warned them, from time to time, of attempts, by their legislature, to extend an unwarrantable jurisdiction over us. We have reminded them of the circumstances of our emigration and settlement here. We have appealed to their native justice and magnanimity, and we have conjured them, by the ties of our common kindred, to disavow these usurpations, which would inevitably interrupt our connexions and correspondence. They, too, have been deaf to the voice of justice and of consanguinity. We must, therefore, acquiesce in the necessity which denounces our separation, and hold them, as we hold the rest of mankind, enemies in war, in peace, friends.

We, therefore, the representatives of the United States of America, in general Congress assembled, appealing to the Supreme Judge of the World for the rectitude of our intentions, do, in the name, and by the authority of the good people of these colonies, solemnly publish and declare that these united colonies are, and of right ought to be, free and independent states; that they are absolved from all allegiance to the British crown, and that all political connexion between them and the state of Great Britain is, and ought to be, totally dissolved; and that, as free and independent states they have full power to levy war, conclude peace, contract alliances, estab lish commerce, and to do all other acts and things which independen

states may of right do. And for the support of this declaration, with a firm reliance on the protection of Divine Providence, we mutually pledge to each other our lives, our fortunes, and our sacred honor.

The foregoing declaration was, by order of Congress, engrossed and signed by the following members :—

JOHN HANCOCK.

NEW HAMPSHIRE.

JOSIAH BARTLETT,
WILLIAM WHIPPLE,
MATTHEW THORNTON.

MASSACHUSETTS BAY.

SAMUEL ADAMS,
JOHN ADAMS,
ROBERT TREAT PAINE,
ELBRIDGE GERRY.

RHODE ISLAND.

STEPHEN HOPKINS,
WILLIAM ELLERY.

CONNECTICUT.

ROGER SHERMAN,
SAMUEL HUNTINGTON,
WILLIAM WILLIAMS,
OLIVER WOLCOTT.

NEW YORK.

WILLIAM FLOYD,
PHILIP LIVINGSTON,
FRANCIS LEWIS,
LEWIS MORRIS.

NEW JERSEY.

RICHARD STOCKTON,
JOHN WITHERSPOON,
FRANCIS HOPKINSON,
JOHN HART,
ABRAHAM CLARK.

PENNSYLVANIA.

ROBERT MORRIS,
BENJAMIN RUSH,
BENJAMIN FRANKLIN,
JOHN MORTON,
GEORGE CLYMER,
JAMES SMITH,
GEORGE TAYLOR,
JAMES WILSON,
GEORGE ROSS.

DELAWARE.

CÆSAR RODNEY,
GEORGE READ,
THOMAS M'KEAN.

MARYLAND.

SAMUEL CHASE,
WILLIAM PACA,
THOMAS STONE, [ton
CHARLES CARROLL, of Carroll-

VIRGINIA.

GEORGE WYTHE,
RICHARD HENRY LEE,
THOMAS JEFFERSON,
BENJAMIN HARRISON,
THOMAS NELSON, JR.
FRANCIS LIGHTFOOT LEE,
CARTER BRAXTON,

NORTH CAROLINA

WILLIAM HOOPER,
JOSEPH HEWES,
JOHN PENN.

SOUTH CAROLINA.

EDWARD RUTLEDGE,
THOMAS HEYWARD, JR.
THOMAS LYNCH, JR.
ARTHUR MIDDLETON.

GEORGIA.

BUTTON GWINNETT,
LYMAN HALL,
GEORGE WALTON.

ARTICLES OF CONFEDERATION.

TO ALL TO WHOM THESE PRESENTS SHALL COME, WE, THE UNDERSIGNED, DELEGATES OF THE STATES AFFIXED TO OUR NAMES, SEND GREETING.

WHEREAS, the delegates of the United States of America in Congress assembled did, on the fifteenth day of November, in the year of our Lord one thousand seven hundred and seventy-seven, and in the second year of the independence of America, agree to certain articles of confederation and perpetual Union between the states of New Hampshire, Massachusetts Bay, Rhode Island and Providence Plantations, Connecticut, New York, New Jersey, Pennsylvania, Delaware, Maryland, Virginia, North Carolina, South Carolina, and Georgia, in the words following, viz. :—

Articles of Confederation and perpetual Union between the States of New Hampshire, Massachusetts Bay, Rhode Island and Providence Plantations, Connecticut, New York, New Jersey, Pennsylvania, Delaware, Maryland, Virginia, North Carolina, South Carolina, and Georgia.

ARTICLE 1. The style of this confederacy shall be, "The United States of America."

ARTICLE 2. Each state retains its sovereignty, freedom, and independence, and every power, jurisdiction, and right, which is not by this confederation expressly delegated to the United States in Congress assembled.

ARTICLE 3. The said states hereby severally enter into a firm league of friendship with each other for their common defence, the security of their liberties, and their mutual and general welfare; binding themselves to assist each other against all force offered to, or attacks made upon them, or any of them, on account of religion, sovereignty, trade, or any other pretence whatever.

ARTICLE 4. The better to secure and perpetuate mutual friendship, and intercourse among the people of the different states in this Union, the free inhabitants of each of these states, paupers, vagabonds, and fugitives from justice, excepted, shall be entitled to all privileges and immunities of free citizens in the several states; and the people of each state shall have free ingress and regress to and from any other state, and shall enjoy therein all the privileges of trade and commerce subject to the same duties, impositions, and restrictions, as the inhabitants thereof respectively, provided that such restrictions shall not extend so far as to prevent the removal of property imported into any state to any other state, of which the owner is an inhabitant; provided also, that no imposition, duties, or restriction,

shall be laid by any state on the property of the United States or either of them.

If any person guilty of or charged with treason, felony, or other high misdemeanor, in any state, shall flee from justice, and be found in any of the United States, he shall, upon demand of the governor or executive power of the state from which he fled, be delivered up and removed to the state having jurisdiction of his offence.

Full faith and credit shall be given in each of these states to the records, acts, and judicial proceedings of the courts and magistrates of every other state.

ARTICLE 5. For the more convenient management of the general interests of the United States, delegates shall be annually appointed in such manner as the legislature of each state shall direct to meet in Congress on the first Monday in November, in every year, with a power reserved to each state to recall its delegates or any of them, at any time within the year, and to send others in their stead for the remainder of the year.

No state shall be represented in Congress by less than two, nor by more than seven members; and no person shall be capable of being a delegate for more than three years in any term of six years; nor shall any person, being a delegate, be capable of holding any office under the United States, for which he, or another for his benefit, receives any salary, fees, or emoluments of any kind.

Each state shall maintain its own delegates in a meeting of the states, and while they act as members of the commitee of the states.

In determining questions in the United States in Congress assembled, each state shall have one vote.

Freedom of speech and debate in Congress shall not be impeached or questioned in any court or place out of Congress; and the members of Congress shall be protected in their persons from arrests and imprisonments, during the time of their going to and from and attendance on Congress, except for treason, felony, or breach of the peace.

ARTICLE 6. No state, without the consent of the United States in Congress assembled, shall send any embassy to, or receive any embassy from, or enter into any conference, agreement, alliance, or treaty, with any king, prince, or state; nor shall any person holding any office of profit or trust under the United States, or any of them, accept of any present, emolument, office or title of any kind whatever, from any king, prince, or foreign state; nor shall the United States in Congress assembled, or any of them, grant any title of nobility.

No two or more states shall enter into any treaty, confederation, or alliance whatever, between them, without the consent of the United States in Congress assembled, specifying accurately the purposes for which the same is to be entered into and how long it shall continue.

No state shall lay any imposts or duties, which may interfere with any stipulations in treaties entered into by the United States in Congress assembled, with any king, prince, or state, in pursuance of any treaties already proposed by Congress to the courts of France and Spain.

No vessel-of-war shall be kept up in time of peace by any state, except such number only as shall be deemed necessary by the United States in Congress assembled for the defence of such state or its trade; nor shall any body of forces be kept up by any state in time of peace, except such number only as in the judgment of the United States in Congress as-

sembled, shall be deemed requisite to garrison the forts necessary for the defence of such state; but every state shall always keep up a well-regulated and disciplined militia, sufficiently armed and accoutred, and shall provide and have constantly ready for use, in public stores, a due number of field-pieces and tents, and a propor quantity of arms, ammunition, and camp equipage.

No state shall engage in any war without the consent of the United States in Congress assembled, unless such state be actually invaded by enemies or shall have received certain advice of a resolution being formed by some nation of Indians to invade such state, and the danger is so imminent as not to admit of a delay till the United States in Congress assembled can be consulted; nor shall any state grant commissions to any ships or vessels-of-war, nor letters of marque or reprisal, except it be after a declaration of war by the United States in Congress assembled, and then only against the kingdom or state, and the subjects thereof, against which war has been so declared, and under such regulations as shall be established by the United States in Congress assembled, unless such state be infested by pirates, in which case vessels-of-war may be fitted out for that occasion, and kept so long as the danger shall continue, or until the United States in Congress assembled shall determine otherwise.

ARTICLE 7. When land forces are raised by any state for the common defence, all officers of or under the rank of colonel, shall be appointed by the legislature of each state respectively, by whom such forces shall be raised, or in such manner as such state shall direct, and all vacancies shall be filled up by the state which first made the appointment.

ARTICLE 8. All charges of war, and all other expenses that shall be incurred for the common defence or general welfare, and allowed by the United States in Congress assembled, shall be defrayed out of a common treasury, which shall be supplied by the several states in proportion to the value of all land within each state granted to or surveyed for any person, as such land and the buildings and improvements thereon shall be estimated according to such mode as the United States in Congress assembled shall from time to time direct and appoint.

The taxes for paying that proportion shall be laid and levied by the authority and direction of the legislatures of the several states, within the time agreed upon by the United States in Congress assembled.

ARTICLE 9. The United States in Congress assembled shall have the sole and exclusive right and power of determining on peace and war, except in the cases mentioned in the sixth article—of sending and receiving ambassadors—entering into treaties and alliances; provided, that no treaty of commerce shall be made whereby the legislative power of the respective states shall be restrained from imposing such imposts and duties on foreigners as their own people are subjected to, or from prohibiting the exportation or importation of any species of goods or commodities whatsoever—of establishing rules for deciding in all cases, what captures on land or water shall be legal, and in what manner prizes taken by land or naval forces in the service of the United States shall be divided or appropriated—of granting letters of marque and reprisal in times of peace—appointing courts for the trial of piracies and felonies committed on the high seas, and establishing courts for receiving and determining finally appeals in all cases of captures: provided, that no member of Congress shall be appointed a judge of any of the said courts.

The United States in Congress assembled shall also be the last resort on appeal in all disputes and differences now subsisting or that hereafter may arise between two or more states concerning boundary, jurisdiction, or any other cause whatever; which authority shall always be exercised in the manner following: whenever the legislative or executive authority or lawful agent of any state in controversy with another shall present a petition to Congress, stating the matter in question, and praying for a hearing, notice thereof shall be given by order of Congress to the legislative or executive authority of the other state in controversy, and a day assigned for the appearance of the parties, by their lawful agents, who shall then be directed to appoint by joint consent commissioners or judges to constitute a court for hearing and determining the matter in question: but if they can not agree, Congress shall name three persons out of each of the United States, and from the list of such persons each party shall alternately strike out one, the petitioners beginning until the number shall be reduced to thirteen; and from that number not less than seven nor more than nine names, as Congress shall direct shall, in the presence of Congress, be drawn out by lot; and the persons whose names shall be so drawn, or any five of them, shall be commissioners or judges, to hear and finally determine the controversy, so always as a major part of the judges, who shall hear the cause, shall agree in the determination: and if either party shall neglect to attend at the day appointed, without showing reasons which Congress shall judge sufficient, or being present shall refuse to strike, the Congress shall proceed to nominate three persons out of each state, and the secretary of Congress shall strike in behalf of such party absent or refusing; and the judgment and sentence of the court to be appointed in the manner before prescribed, shall be final and conclusive, and if any of the parties shall refuse to submit to the authority of such court, or to appear, or defend their claim or cause, the court shall nevertheless proceed to pronounce sentence or judgment, which shall in like manner be final and decisive, the judgment or sentence and other proceedings, being in either case transmitted to Congress, and lodged among the acts of Congress for the security of the parties concerned: provided, that every commissioner, before he sits in judgment, shall take an oath, to be administered by one of the judges of the supreme or superior court of the state, where the cause shall be tried, "well and truly to hear and determine the matter in question, according to the best of his judgment, without favor, affection, or hope of reward:" provided also, that no state shall be deprived of territory for the benefit of the United States.

All controversies concerning the private right of soil, claimed under different grants of two or more states, whose jurisdiction as they may respect such lands and the states which passed such grants are adjusted, the said grants or either of them being at the same time claimed to have originated antecedent to such settlement of jurisdiction, shall, on the petition of either party to the Congress of the United States, be finally determined, as near as may be, in the same manner as is before prescribed for deciding disputes respecting territorial jurisdiction between different states.

The United States in Congress assembled shall also have the sole and exclusive right and power of regulating the alloy and value of coin struck by their own authority, or by that of the respective states—fixing the standard of weights and measures throughout the United States—regulating

the trade and managing all affairs with the Indians not members of any of the states; provided that the legislative right of any state within its own limits be not infringed or violated—establishing and regulating postoffices from one state to another throughout all the United States, and exacting such postage on the papers passing through the same, as may be requisite to defray the expenses of the said office—appointing all officers of the land forces in the service of the United States excepting regimental officers—appointing all the officers of the naval forces, and commissioning all officers whatever in the service of the United States—making rules for the government and regulation of the said land and naval forces, and directing their operations.

The United States in Congress assembled shall have authority to appoint a committee to sit in the recess of Congress, to be denominated "a committee of the states," and to consist of one delegate from each state; and to appoint such other committees and civil officers as may be necessary for managing the general affairs of the United States, under their direction—to appoint one of their number to preside, provided that no person be allowed to serve in the office of president more than one year in any term of three years—to ascertain the necessary sums of money to be raised for the service of the United States, and to appropriate and apply the same for defraying the public expenses—to borrow money or emit bills on the credit of the United States, transmitting every half year to the respective states an account of the sums of money so borrowed or emitted—to build and equip a navy—to agree upon the number of land forces, and to make requisitions from each state for its quota, in proportion to the number of white inhabitants in such state; which requisition shall be binding, and thereupon the legislature of each state shall appoint the regimental officers, raise the men, and clothe, arm, and equip them, in a soldier-like manner, at the expense of the United States; and the officers and men so clothed, armed, and equipped, shall march to the place appointed, and within the time agreed on by the United States in Congress assembled: but if the United States in Congress assembled, shall, on consideration of circumstances, judge proper that any state should not raise men or should raise a smaller number than its quota, and that any other state should raise a greater number of men than the quota thereof, such extra number shall be raised, officered, clothed, armed, and equipped, in the same manner as the quota of such state, unless the legislature of such state shall judge that such extra number can not safely be spared out of the same; in which case they shall raise, officer, clothe, arm, and equip, as many of such extra number as they judge can be safely spared. And the officers and men so clothed, armed, and equipped, shall march to the place appointed, and within the time agreed on by the United States in Congress assembled.

The United States in Congress assembled shall never engage in a war, nor grant letters of marque and reprisal in time of peace, nor enter into any treaties or alliances, nor coin money, nor regulate the value thereof, nor ascertain the sums and expenses necessary for the defence and welfare of the United States or any of them, nor emit bills, nor borrow money on the credit of the United States, nor appropriate money, nor agree upon the number of vessels-of-war to be built or purchased, or the number of land or sea forces to be raised, nor appoint a commander-in-chief of the army or navy, unless nine states assent to the same; nor shall a question

on any other point, except for adjourning from day to day, be determined, unless by the votes of a majority of the United States in Congress assembled.

The Congress of the United States shall have power to adjourn to any time within the year, and to any place within the United States, so that no period of adjournment be for a longer duration than the space of six months; and shall publish the journal of their proceedings monthly, except such parts thereof relating to treaties, alliances, or military operations, as in their judgment require secresy; and the yeas and nays of the delegates of each state on any question shall be entered on the journal, when it is desired by any delegate; and the delegates of a state, or any of them, at his or their request, shall be furnished with a transcript of the said journal, except such parts as are above excepted, to lay before the legislatures of the several states.

ARTICLE 10. The committee of the states, or any nine of them, shall be authorized to execute, in the recess of Congress, such of the powers of Congress as the United States in Congress assembled, by the consent of nine states, shall from time to time, think expedient to vest them with; provided that no power be delegated to the said committee, for the exercise of which, by the articles of confederation, the voice of nine states in the Congress of the United States assembled is requisite.

ARTICLE 11. Canada, acceding to this confederation, and joining in the measures of the United States, shall be admitted into, and entitled to, all the advantages of this Union; but no other colony shall be admitted into the same unless such admission be agreed to by nine states.

ARTICLE 12. All bills of credit emitted, moneys borrowed, and debts contracted, by or under the authority of Congress, before the assembling of the United States, in pursuance of the present confederation, shall be deemed and considered as a charge against the United States, for payment and satisfaction whereof the said United States and the public faith are hereby solemnly pledged.

ARTICLE 13. Every state shall abide by the decision of the United States in Congress assembled, on all questions which, by this confederation, are submitted to them. And the articles of this confederation shall be inviolably observed by every state, and the Union shall be perpetual; nor shall any alteration at any time hereafter be made in any of them, unless such alteration be agreed to in a Congress of the United States, and be afterward confirmed by the legislature of every state.

And whereas it has pleased the great Governor of the world to incline the hearts of the legislatures we respectively represent in Congress, to approve of and to authorize us to ratify the said articles of confederation and perpetual Union: *know ye*, that we, the undersigned delegates, by virtue of the power and authority to us given for that purpose, do, by these presents, in the name and in behalf of our respective constituents, fully and entirely ratify and confirm each and every of the said articles of confederation and perpetual Union, and all and singular the matters and things therein contained; and we do further solemnly plight and engage the faith of our respective constituents, that they shall abide by the determinations of the United States in Congress assembled, on all questions which, by the said confederation, are submitted to them; and that the articles thereof shall be inviolably observed by the states we respectively represent; and that the Union be perpetual.

In witness whereof, we have hereunto set our hands, in Congress. Done at Philadelphia, in the state of Pennsylvania, the ninth day of July, in the year of our Lord one thousand seven hundred and seventy-eight, and in the third year of the independence of America.

NEW HAMPSHIRE.

JOSIAH BARTLETT,
JOHN WENTWORTH, JR.

MASSACHUSETTS BAY.

JOHN HANCOCK,
SAMUEL ADAMS,
ELBRIDGE GERRY,
FRANCIS DANA,
JAMES LOVELL,
SAMUEL HOLTEN.

RHODE ISLAND.

WILLIAM ELLERY,
HENRY MARCHANT,
JOHN COLLINS.

CONNECTICUT.

ROGER SHERMAN,
SAMUEL HUNTINGTON,
OLIVER WOLCOTT,
TITUS HOSMER,
ANDREW ADAMS.

NEW YORK.

JAMES DUANE,
FRANCIS LEWIS,
WILLIAM DUER,
GOUVERNEUR MORRIS.

NEW JERSEY.

JOHN WITHERSPOON,
NATH. SCUDDER.

PENNSYLVANIA.

ROBERT MORRIS,
DANIEL ROBERDEAU,
JONATHAN BAYARD SMITH,
WILLIAM CLINGAN,
JOSEPH REED.

DELAWARE.

THOMAS M'KEAN,
JOHN DICKINSON,
NICHOLAS VAN DYKE.

MARYLAND.

JOHN HANSON,
DANIEL CARROLL.

VIRGINIA.

RICHARD HENRY LEE,
JOHN BANISTER,
THOMAS ADAMS,
JOHN HARVIE,
FRANCIS LIGHTFOOT LEE.

NORTH CAROLINA.

JOHN PENN,
CONSTABLE HARNETT,
JOHN WILLIAMS.

SOUTH CAROLINA.

HENRY LAURENS,
WILLIAM HENRY DRAYTON,
JOHN MATTHEWS,
RICHARD HUTSON,
THOMAS HEYWARD, JR.

GEORGIA.

JOHN WALTON,
EDWARD TELFAIR,
EDWARD LANGWORTHY.

CONSTITUTION OF THE UNITED STATES,

COPIED FROM, AND COMPARED WITH, THE ROLL IN THE DEPARTMENT OF STATE.

We the people of the United States, in order to form a more perfect union, establish justice, insure domestic tranquillity, provide for the common defence, promote the general welfare, and secure the blessings of liberty to ourselves and our posterity, do ordain and establish this constitution for the United States of America.

ARTICLE I.

Section 1. All legislative powers herein granted shall be vested in a Congress of the United States, which shall consist of a senate and house of representatives.

Section 2. The house of representatives shall be composed of members chosen every second year by the people of the several states, and the electors in each state shall have the qualifications requisite for electors of the most numerous branch of the state legislature.

No person shall be a representative who shall not have attained to the age of twenty-five years, and been seven years a citizen of the United States, and who shall not, when elected, be an inhabitant of that state in which he shall be chosen.

Representatives and direct taxes shall be apportioned among the several states which may be included within this Union, according to their respective numbers,* which shall be determined by adding to the whole number of free persons, including those bound to service for a term of years, and excluding Indians not taxed, three fifths of all other persons. The actual enumeration shall be made within three years after the first meeting of the Congress of the United States, and within every subsequent term of ten years, in such manner as they shall by law direct. The number of representatives shall not exceed one for every thirty thousand,† but each state shall have at least one representative; and until such enumeration shall be made, the state of New Hampshire shall be entitled to choose three, Massachusetts eight, Rhode Island and Providence Plantations one, Connecticut five, New York six, New Jersey four, Pennsylvania eight, Delaware one, Maryland six, Virginia ten, North Carolina five, South Carolina five, and Georgia three.

* The constitutional provision, that direct taxes shall be apportioned among the several states according to their respective numbers, to be ascertained by a census, was not intended to restrict the power of imposing direct taxes to states only.—*Loughborough* vs. *Blake*, 5 *Wheaton*, 319.

† See laws United States, vol. ii, chap. 124; iii., 261; iv., 332. Acts of 17th Congress, 1st session, chap. x.; and of the 22d and 27th Congress.

When vacancies happen in the representation from any state, the executive authority thereof shall issue writs of election to fill such vacancies.

The house of representatives shall choose their speaker and other officers; and shall have the sole power of impeachment.

SECTION 3. The senate of the United States shall be composed of two senators from each state, chosen by the legislature thereof, for six years; and each senator shall have one vote.*

Immediately after they shall be assembled in consequence of the first election, they shall be divided as equally as may be into three classes. The seats of the senators of the first class shall be vacated at the expiration of the second year, of the second class at the expiration of the fourth year, and of the third class at the expiration of the sixth year, so that one third may be chosen every second year; and if vacancies happen by resignation, or otherwise, during the recess of the legislature of any state, the executive thereof may make temporary appointments until the next meeting of the legislature, which shall then fill such vacancies.

No person shall be a senator who shall not have attained to the age of thirty years, and been nine years a citizen of the United States, and who shall not, when elected, be an inhabitant of that state for which he shall be chosen.

The vice-president of the United States shall be president of the senate, but shall have no vote, unless they be equally divided.

The senate shall choose their other officers, and also a president protempore, in the absence of the vice-president, or when he shall exercise the office of president of the United States.

The senate shall have the sole power to try all impeachments: When sitting for that purpose, they shall be on oath or affirmation. When the president of the United States is tried, the chief justice shall preside: And no person shall be convicted without the concurrence of two thirds of the members present.

Judgment in cases of impeachment shall not extend further than to removal from office, and disqualification to hold and enjoy any office of honor, trust or profit under the United States: but the party convicted shall nevertheless be liable and subject to indictment, trial, judgment and punishment, according to law.

SECTION 4. The times, places and manner of holding elections for senators and representatives, shall be prescribed in each state by the legislature thereof; but the Congress may at any time by law make or alter such regulations, except as to the places of choosing senators.

The Congress shall assemble at least once in every year, and such meeting shall be on the first Monday in December, unless they shall by law appoint a different day.

SECTION 5. Each house shall be the judge of the elections, returns and qualifications of its own members, and a majority of each shall constitute a quorum to do business, but a smaller number may adjourn from day to day, and may be authorized to compel the attendance of absent members, in such manner, and under such penalties as each house may provide.

Each house may determine the rules of its proceedings,† punish its

* See art. v., clause 1.

† To an action of trespass against the sergeant-at-arms of the house of representatives of the United States for assault and battery and false imprisonment, it is a legal justification and bar to plead that a Congress was held and sitting during the period of the trespasses complained, and that the house of representatives had resolved that the plaintiff had been guilty of a breach of the privileges of the house, and of a high contempt of the dignity

members for disorderly behavior, and, with the concurrence of two thirds, expel a member.

Each house shall keep a journal of its proceedings, and from time to time publish the same, excepting such parts as may in their judgment require secresy; and the yeas and nays of the members of either house on any question shall, at the desire of one fifth of those present, be entered on the journal.

Neither house, during the session of Congress, shall, without the consent of the other, adjourn for more than three days, nor to any other place than that in which the two houses shall be sitting.

SECTION 6. The senators and representatives shall receive a compensation for their services, to be ascertained by law, and paid out of the treasury of the United States. They shall in all cases, except treason, felony and breach of the peace, be privileged from arrest during their attendance at the session of their respective houses, and in going to and returning from the same; and for any speech or debate in either house, they shall not be questioned in any other place.

No senator or representative shall, during the time for which he was elected, be appointed to any civil office under the authority of the United States, which shall have been created, or the emoluments whereof shall have been increased during such time; and no person holding any office under the United States, shall be a member of either house during his continuance in office.

SECTION 7. All bills for raising revenue shall originate in the house of representatives; but the senate may propose or concur with amendments as on other bills.

Every bill which shall have passed the house of representatives and the senate, shall, before it become a law, be presented to the president of the United States; if he approve he shall sign it, but if not he shall return it, with his objections to that house in which it shall have originated, who shall enter the objections at large on their journal, and proceed to reconsider it. If after such reconsideration two thirds of that house shall agree o pass the bill, it shall be sent, together with the objections, to the other house, by which it shall likewise be reconsidered, and if approved by two thirds of that house, it shall become a law. But in all such cases the votes of both houses shall be determined by yeas and nays, and the names of the persons voting for and against the bill shall be entered on the journal of each house respectively. If any bill shall not be returned by the president within ten days (Sunday excepted) after it shall have been presented to him, the same shall be a law, in like manner as if he had signed it, unless the Congress by their adjournment prevent its return, in which case it shall not be a law.

Every order, resolution, or vote to which the concurrence of the senate

and authority of the same; and had ordered that the speaker should issue his warrant to the sergeant-at-arms, commanding him to take the plaintiff into custody wherever to be found, and to have him before the said house to answer to the said charge; and that the speaker did accordingly issue such a warrant, reciting the said resolution and order, and commanding the sergeant-at-arms to take the plaintiff into custody, &c., and deliver the said warrant to the defendant: by virtue of which warrant the defendant arrested the plaintiff, and conveyed him to the bar of the house, where he was heard in his defence touching the matter of said charge, and the examination being adjourned from day to day, and the house having ordered the plaintiff to be detained in custody, he was accordingly detained by the defendant until he was finally adjudged to be guilty and convicted of the charge aforesaid, and ordered to be forthwith brought to the bar and reprimanded by the speaker, and then discharged from custody, and after being thus reprimanded, was actually discharged from the arrest and custody aforesaid.—*Anderson* vs. *Dunn*, 6 *Wheaton*, 204.

and house of representatives may be necessary (except on a question of adjournment) shall be presented to the president of the United States; and before the same shall take effect, shall be approved by him, or being disapproved by him, shall be repassed by two thirds of the senate and house of representatives, according to the rules and limitations prescribed in the case of a bill.

SECTION 8. The Congress shall have power to lay and collect taxes,* duties, imposts and excises, to pay the debts and provide for the common defence and general welfare of the United States; but all duties, imposts and excises shall be uniform throughout the United States;

To borrow money on the credit of the United States;

To regulate commerce with foreign nations, and among the several states, and with the Indian tribes;

To establish an uniform rule of naturalization,† and uniform laws on the subject of bankruptcies‡ throughout the United States;

To coin money, regulate the value thereof, and of foreign coin, and fix the standard of weights and measures;

To provide for the punishment of counterfeiting the securities and current coin of the United States;

To establish postoffices and postroads;

To promote the progress of science and useful arts, by securing for limited times to authors and inventors the exclusive right to their respective writings and discoveries;

To constitute tribunals inferior to the supreme court;

To define and punish piracies and felonies committed on the high seas, and offences against the law of nations;‖

To declare war, grant letters of marque and reprisal, and make rules concerning captures on land and water;

To raise and support armies, but no appropriation of money to that use shall be for a longer term than two years;

To provide and maintain a navy;

To make rules for the government and regulation of the land and naval forces;

To provide for calling forth the militia to execute the laws of the Union, suppress insurrections and repel invasions;

* The power of Congress to *lay and collect taxes, duties*, &c., extends to the District of Columbia, and to the territories of the United States, as well as to the states.—*Loughborough* vs. *Blake*, 5 *Wheaton*, 318. But Congress are not bound to extend a direct tax to the district and territories.—*Id.*, 318.

† Under the constitution of the United States, the power of naturalization is exclusively in Congress.—*Chirac* vs. *Chirac*, 2 *Wheaton*, 259.

See laws United States, vol. ii., chap. 30; ii., 261; iii., 71; iii., 288; iii., 400; iv., 564; vi., 32.

‡ Since the adoption of the constitution of the United States, a state has authority to pass a bankrupt law, provided such law does not impair the obligation of contracts within the meaning of the constitution (art. i., sect. 10), and provided there be no act of Congress in force to establish a uniform system of bankruptcy conflicting with such law.—*Sturgess* vs. *Crowninshield*, 4 *Wheaton*, 122, 192.

See laws United States, vol. ii., chap. 368, sect. 2: iii., 66; iii., 158.

‖ The act of the 3d March, 1819, chap. 76, sect. 5, referring to the law of nations for a definition of the crime of piracy, is a constitutional exercise of the power of Congress to define and punish that crime.—*United States* vs. *Smith*, 5 *Wheaton*, 153, 157.

Congress have power to provide for the punishment of offences committed by persons on board a ship-of-war of the United States, wherever that ship may lie. But Congress have not exercised that power in the case of a ship lying in the waters of the United States, the words within fort, arsenal, dockyard, magazine, or in *any other place or district of country under the sole and exclusive jurisdiction of the United States*, in the third section of the act of 1790, chap. 9, not extending to a ship-of-war, but only to objects in their nature, fixed and territorial.—*United States* vs. *Bevans*, 3 *Wheaton*, 890.

To provide for organizing, arming, and disciplining, the militia, and for governing such part of them as may be employed in the service of the United States, reserving to the states respectively, the appointment of the officers, and the authority of training the militia according to the discipline prescribed by Congress ;*

To exercise exclusive legislation in all cases whatsoever, over such district (not exceeding ten miles square) as may, by cession of particular states, and the acceptance of Congress, become the seat of the government of the United States,† and to exercise like authority over all places purchased by the consent of the legislature of the state in which the same shall be, for the erection of forts, magazines, arsenals, dockyards, and other needful buildings ;—And

To make all laws which shall be necessary and proper for carrying into execution the foregoing powers, and all other powers vested by this constitution in the government of the United States, or in any department or officer thereof.‡

SECTION 9. The migration or importation of such persons as any of the states now existing shall think proper to admit, shall not be prohibited by

* Vide amendments, art. ii.

† Congress has authority to impose a direct tax on the District of Columbia, in proportion to the census directed to be taken by the constitution.—*Loughborough* vs. *Blake*, 5 *Wheaton*, 317.

But Congress are not bound to extend a direct tax to the district and territories.—*Id.*, 322.

The power of Congress to exercise exclusive jurisdiction in all cases whatsoever within the District of Columbia, includes the power of taxing it.—*Id.*, 324.

‡ Whenever the terms in which a power is granted by the constitution to Congress, or whenever the nature of the power itself requires that it should be exercised exclusively by Congress, the subject is as completely taken away from the state legislatures as if they had been expressly forbidden to act on it.—*Sturgess* vs. *Crowninshield*, 4 *Wheaton*, 193.

Congress has power to incorporate a bank.—*McCulloch* vs. *State of Maryland*, 4 *Wheaton* 316.

The power of establishing a corporation is not a distinct sovereign power or end of government, but only the means of carrying into effect other powers which are sovereign Whenever it becomes an appropriate means of exercising any of the powers given by the constitution to the government of the Union, it may be exercised by that government.—*Id.*, 411, 421.

If a certain means to carry into effect any of the powers expressly given by the constitution to the government of the Union, be an appropriate measure, not prohibited by the constitution, the degree of its necessity is a question of legislative discretion, not of judicial cognizance.—*Id.*, 421.

The act of the 19th April, 1816, chap. 44, to incorporate the subscribers to the bank of the United States, is a law made in pursuance of the constitution.—*Id.*, 424.

The bank of the United States has constitutionally a right to establish its branches or offices of discount and deposite within any state.—*Id.*, 424.

There is nothing in the constitution of the United States similar to the articles of confederation, which excludes incidental or implied powers.—*Id.*, 403.

If the *end* be legitimate, and within the scope of the constitution, all the *means* which are appropriate, which are plainly adapted to that end, and which are not prohibited, may constitutionally be employed to carry it into effect.—*Id.*, 421.

The powers granted to Congress are not exclusive of similar powers existing in the states, unless where the constitution has expressly in terms given an exclusive power to Congress, or the exercise of a like power is prohibited to the states, or there is a direct repugnancy or incompatibility in the exercise of it by the states.—*Houston* vs. *Moore*, 5 *Wheaton*, 49.

The example of the first class is to be found in the exclusive legislation delegated to Congress over places purchased by the consent of the legislature of the state in which the same shall be for forts, arsenals, dockyards, &c. Of the second class, the prohibition of a state to coin money or emit bills of credit. Of the third class, the power to establish a uniform rule of naturalization, and the delegation of admiralty and maritime jurisdiction. —*Id.*, 49.

In all other classes of cases the states retain concurrent authority with Congress.—*Id.*, 48.

But in cases of concurrent authority, where the laws of the states and of the Union are in direct and manifest collision on the same subject, those of the Union being the supreme law of the land, are of paramount authority, and the state so far, and so far only as such incompatibility exists, must necessarily yield.—*Id.*, 49.

The state within which a branch of the United States bank may be established, can not,

the Congress prior to the year one thousand eight hundred and eight, but a tax or duty may be imposed on such importation, not exceeding ten dollars for each person.

The privilege of the writ of habeas corpus shall not be suspended, unless when in cases of rebellion or invasion the public safety may require it.

No bill of attainder or ex post facto law shall be passed.

No capitation, or other direct, tax shall be laid, unless in proportion to the census or enumeration hereinbefore directed to be taken.

No tax or duty shall be laid on articles exported from any state.

No preference shall be given by any regulation of commerce or revenue to the ports of one state over those of another: nor shall vessels bound to, or from, one state, be obliged to enter, clear, or pay duties in another.

No money shall be drawn from the treasury, but in consequence of appropriations made by law; and a regular statement and account of the receipts and expenditures of all public money shall be published from time to time.

No title of nobility shall be granted by the United States: And no person holding any office of profit or trust under them, shall, without the consent of the Congress, accept of any present, emolument, office, or title, of any kind whatever, from any king, prince, or foreign state.

SECTION 10. No state shall enter into any treaty, alliance, or confederation; grant letters of marque and reprisal; coin money; emit bills of credit; make anything but gold and silver coin a tender in payment of debts; pass any bill of attainder, ex post facto law, or law impairing the obligation of contracts,* or grant any title of nobility.

without violating the constitution, tax that branch.—*McCulloch* vs. *State of Maryland*, 4 *Wheaton*, 425.

The state governments have no right to tax any of the constitutional means employed by the government of the Union to execute its constitutional powers.—*Id.*, 427.

The states have no power by taxation, or otherwise, to retard, impede, burden, or in any manner control, the operation of the constitutional laws enacted by Congress, to carry into effect the powers vested in the national government.—*Id.*, 436.

This principle does not extend to a tax paid by the real property of the bank of the United States, in common with the other real property in a particular state, nor to a tax imposed on the proprietary which the citizens of that state may hold in common with the other property of the same description throughout the state.—*Id.*, 436.

* Where a law is in its nature a *contract*, where absolute rights have vested under that contract, a repeal of the law can not divest those rights.—*Fletcher* vs. *Peck*, 6 *Cranch*, 88.

A party to a contract can not pronounce its own deed invalid, although that party be a *sovereign state*.—*Id.*, 88.

A *grant* is a *contract executed*.—*Id.*, 89.

A law annulling conveyance is unconstitutional, because it is a law impairing the obligation of contracts within the meaning of the constitution of the United States.—*Id.*

The court will not declare a law to be unconstitutional, unless the opposition between the constitution and the law be clear and plain.—*Id.*, 87.

An act of the legislature of a state, declaring that certain lands which should be purchased for the Indians should not thereafter be subject to any tax, constituted a contract which could not, after the adoption of the constitution of the United States, be rescinded by a subsequent legislative act; such rescinding act being void under the constitution of the United States.—*State of New Jersey* vs. *Wilson*, 7 *Cranch*, 164.

The present constitution of the United States did not commence its operation until the first Wednesday in March, 1789, and the provision in the constitution, that "no state shall make any law impairing the obligation of contracts," does not extend to a state law enacted before that day, and operating upon rights of property vesting before that time.—*Owings* vs. *Speed*, 5 *Wheaton*, 420, 421.

An act of a state legislature, which discharges a debtor from all liability for debts contracted previous to his discharge, on his surrendering his property for the benefit of his creditors, is a law impairing "the obligations of contracts," within the meaning of the constitution of the United States, so far as it attempts to discharge the contract; and it makes no difference in such a case, that the suit was brought in a state court of the state of which both the parties were citizens where the contract was made, and the discharge obtained,

No state shall, without the consent of the Congress, lay any imposts or duties on imports or exports, except what may be absolutely necessary for executing its inspection laws: and the net produce of all duties and imposts, laid by any state on imports or exports, shall be for the use of the treasury of the United States; and all such laws shall be subject to the revision and control of the Congress.

No state shall, without the consent of Congress, lay any duty of tonnage, keep troops, or ships-of-war in time of peace, enter into any agreement or compact with another state, or with a foreign power, or engage in war, unless actually invaded, or in such imminent danger as will not admit of delay.

ARTICLE II.

SECTION 1. The executive power shall be vested in a president of the United States of America. He shall hold his office during the term of four years,* and, together with the vice-president, chosen for the same term, be elected, as follows:

Each state shall appoint, in such manner as the legislature thereof may direct,† a number of electors, equal to the whole number of senators and representatives to which the state may be entitled in the Congress: but no senator or representative, or person holding an office of trust or profit under the United States, shall be appointed an elector.

[‡The electors shall meet in their respective states, and vote by ballot for two persons, of whom one at least shall not be an inhabitant of the same state with themselves. And they shall make a list of all the persons voted for, and of the number of votes for each; which list they shall sign and certify, and transmit sealed to the seat of the government of the United States, directed to the president of the senate. The president of the senate shall, in the presence of the senate and house of representatives, open all the certificates, and the votes shall then be counted. The person having the greatest number of votes shall be the president, if such number be a majority of the whole number of electors appointed; and if there be more than one who have such majority, and have an equal number of votes, then the house of representatives shall immediately choose by ballot one of them for president; and if no person have a majority, then from the five highest on the list the said house shall in like manner choose the president. But in choosing the president, the votes shall be taken by states, the representation from each state having one vote; a quorum for this purpose shall consist of a member or members from two thirds of the states, and a majority of

and where they continued to reside until the suit was brought.—*Farmers and Mechanics' Bank* vs. *Smith*, 6 *Wheaton*, 131.

The act of New York, passed on the 3d of April, 1811 (which not only liberates the person of the debtor, but discharges him from all liability for any debt contracted previous to his discharge, on his surrendering his property in the manner it prescribes), so far as it attempts to discharge the contract, is a law impairing the obligation of contracts within the meaning of the constitution of the United States, and is not a good plea in bar of an action brought upon such contract.—*Sturgess* vs. *Crowninshield*, 4 *Wheaton*, 122, 197.

Statutes of limitation and usury laws, unless retroactive in their effect, do not impair the obligation of contracts, and are constitutional.—*Id.*, 206.

A state bankrupt or insolvent law (which not only liberates the person of the debtor, but discharges him from all liability for the debt), so far as it attempts to discharge the contract, is repugnant to the constitution of the United States, and it makes no difference in the application of this principle, whether the law was passed *before* or *after* the debt was contracted.—*McMillan* vs. *McNeill*, 4 *Wheaton*, 209.

The charter granted by the British crown to the trustees of Dartmouth college, in New Hampshire, in the year 1769, is a contract within the meaning of that clause of the constitution of the United States (art. i., sect. 10) which declares, that no state shall make any law impairing the obligations of contracts. The charter was not dissolved by the revolution.—*College* vs. *Woodward*, 4 *Wheaton*, 518.

An act of the state legislature of New Hampshire, altering the charter of Dartmouth college in a material respect, without the consent of the corporation, is an act impairing the obligation of the charter, and is unconstitutional and void.—*Id.*, 518.

* See laws United States, vol. ii., chap. 109, sect. 12.

† See laws United States, vol. ii., chap. 109.

‡ Vide amendments, art. xii.

the states shall be necessary to a choice. In every case, after the choice of the president, the person having the greatest number of votes of the electors shall be the vice-president. But if there should remain two or more who have equal votes, the senate shall choose from them by ballot the vice-president.*]

The Congress may determine the time of choosing the electors,† and the day on which they shall give their votes; which day shall be the same throughout the United States.‡

No person except a natural born citizen, or a citizen of the United States, at the time of the adoption of this constitution, shall be eligible to the office of president; neither shall any person be eligible to that office who shall not have attained to the age of thirty-five years, and been fourteen years a resident within the United States.

In case of the removal of the president from office, or of his death, resignation,§ or inability to discharge the powers and duties of the said office, the same shall devolve on the vice-president, and the Congress may by law provide for the case of removal, death, resignation or inability, both of the president and vice-president, declaring what officer shall then act as president, and such officer shall act accordingly, until the disability be removed, or a president shall be elected.‖

The president shall, at stated times, receive for his services, a compensation, which shall neither be increased nor diminished during the period for which he shall have been elected, and he shall not receive within that period any other emolument from the United States, or any of them.

Before he enter on the execution of his office, he shall take the following oath or affirmation:—"I do solemnly swear (or affirm) that I will faithfully execute the office of president of the United States, and will to the best of my ability, preserve, protect and defend the constitution of the United States."

SECTION 2. The president shall be commander-in-chief of the army and navy of the United States, and of the militia of the several states, when called into the actual service of the United States;¶ he may require the opinion, in writing, of the principal officer in each of the executive departments, upon any subject relating to the duties of their respective offices, and he shall have power to grant reprieves and pardons for offences against the United States, except in cases of impeachment.

He shall have power, by and with the advice and consent of the senate, to make treaties, provided two thirds of the senators present concur; and he shall nominate, and by and with the advice and consent of the senate, shall appoint ambassadors, other public ministers and consuls, judges of the supreme court, and all other officers of the United States, whose appointments are not herein otherwise provided for, and which shall be es-

* This clause is annulled. See amendments, art. xii.
† See laws United States, vol. ii., chap. 104, sect. 1.
‡ See laws United States, vol. ii., chap. 109, sect. 2.
§ See laws United States, vol. ii., chap. 104, sect. 11.
‖ See laws United States, vol. ii., chap. 109, sect. 9; and vol. iii., chap. 403.
¶ The act of the state of Pennsylvania, of the 28th March, 1814 (providing, sect. 21, that the officers and privates of the militia of that state neglecting or refusing to serve when called into actual service, in pursuance of any order or requisition of the president of the United States, shall be liable to the penalties defined in the act of Congress of 28th February, 1795, chap. 277, or to any penalty which may have been prescribed since the date of that act, or which may hereafter be prescribed by any law of the United States, and also providing for the trial of such delinquents by a state court-martial, and that a list of the delinquents fined by such court should be furnished to the marshal of the United States, &c.; and also to the comptroller of the treasury of the United States, in order that the further proceedings directed to be had thereon by the laws of the United States might be completed), is not repugnant to the constitution and laws of the United States.—*Houston* vs *Moore*, 5 *Wheaton*, 1, 12.

tablished by law: but the Congress may by law vest the appointment of such inferior officers, as they think proper, in the president alone, in the courts of law, or in the heads of departments.

The president shall have power to fill up all vacancies that may happen during the recess of the senate, by granting commissions which shall expire at the end of their next session.

SECTION 3. He shall from time to time give to the Congress information of the state of the Union, and recommend to their consideration such measures as he shall judge necessary and expedient; he may, on extraordinary occasions, convene both houses, or either of them, and in case of disagreement between them, with respect to the time of adjournment, he may adjourn them to such time as he shall think proper; he shall receive ambassadors and other public ministers; he shall take care that the laws be faithfully executed, and shall commission all the officers of the United States.

SECTION 4. The president, vice-president and all civil officers of the United States, shall be removed from office on impeachment for, and conviction of, treason, bribery, or other high crimes and misdemeanors.

ARTICLE III.

SECTION 1. The judicial power of the United States, shall be vested in one supreme court, and in such inferior courts as the Congress may from time to time ordain and establish.* The judges, both of the supreme and inferior courts, shall hold their offices during good behavior, and shall, at stated times, receive for their services, a compensation, which shall not be diminished during their continuance in office.†

SECTION 2. The judicial power shall extend to all cases, in law and equity, arising under this constitution, the laws of the United States, and treaties made, or which shall be made, under their authority;—to all cases affecting ambassadors, other public ministers and consuls;—to all cases of admiralty and maritime jurisdiction;—to controversies to which the United States shall be a party;—to controversies between two or more states;—between a state and citizens of another state;—between citizens of different states,‡—between citizens of the same state claiming lands under grants of different states, and between a state, or the citizens thereof, and foreign states, citizens or subjects.§

In all cases affecting ambassadors, other public ministers and consuls, and those in which a state shall be party, the supreme court shall have original jurisdiction. In all the other cases before mentioned, the supreme court shall have appellate jurisdiction, both as to law and fact, with such exceptions, and under such regulations as the Congress shall make.‖

* Congress may constitutionally impose upon the judges of the supreme court of the United States the burden of holding circuit courts.—*Stuart* vs. *Laird*, 1 *Cranch*, 299.

† See laws of the United States, vol. ii., chap. 20.

‡ A citizen of the District of Columbia is not a citizen of a state within the meaning of the constitution of the United States.—*Hepburn et al* vs. *Ellzey*, 2 *Cranch*, 445.

§ The supreme court of the United States has not power to issue a *mandamus* to a *secretary of state* of the United States, it being an exercise of original jurisdiction not warranted by the constitution, notwithstanding the act of Congress.—*Marbury* vs. *Madison*, 1 *Cranch*, 137.

See a restriction of this provision.—Amendments, art. xi.

‖ The appellate jurisdiction of the supreme court of the United States extends to a final judgment or decree in any suit in the highest court of law, or equity of a state, where is drawn in question the validity of a treaty, &c.—*Martin* vs. *Hunter's lessee*, 1 *Wheaton*, 304.

Such judgment, &c., may be re-examined by writ of error, in the same manner as if rendered in a circuit court.—*Id.*

If the cause has been once remanded before, and the state court decline or refuse to carry

The trial of all crimes, except in cases of impeachment, shall be by jury; and such trial shall be held in the state where the said crimes shall have been committed; but when not committed within any state, the trial

into effect the mandate of the supreme court thereon, this court will proceed to a final decision of the same, and award execution thereon.

Quere.—Whether this court has authority to issue a mandamus to the state court to enforce a former judgment?—*Id.*, 362.

If the validity or construction of a treaty of the United States is drawn in question, and the decision is against its validity, or the title specially set up by either party under the treaty, this court has jurisdiction to ascertain that title, and determine its legal validity, and is not confined to the abstract construction of the treaty itself.—*Id.*, 362.

Quere.—Whether the courts of the United States have jurisdiction of offences at common law against the United States?—*United States* vs. *Coolidge*, 1 *Wheaton*, 415.

The courts of the United States have exclusive jurisdiction of all seizures made on land or water for a breach of the laws of the United States, and any intervention of a state authority, which by taking the thing seized out of the hands of the United States' officer, might obstruct the exercise of this jurisdiction, is illegal.—*Slocum* vs. *Mayberry et al*, 2 *Wheaton*, 1, 9.

In such a case the court of the United States have cognizance of the seizure, may enforce a redelivery of the thing by attachment or other summary process.—*Id.*, 9.

The question under such a seizure, whether a forfeiture has been actually incurred, belongs exclusively to the courts of the United States, and it depends upon the final decree of such courts, whether the seizure is to be deemed rightful or tortuous.—*Id.*, 9, 10.

If the seizing officer refuse to institute proceedings to ascertain the forfeiture, the district court may, on application of the aggrieved party, compel the officer to proceed to adjudication, or to abandon the seizure.—*Id.*, 10.

The jurisdiction of the circuit court of the United States extends to a case between citizens of Kentucky, claiming lands exceeding the value of five hundred dollars, under different grants, the one issued by the state of Kentucky, and the other by the state of Virginia, upon warrants issued by Virginia, and locations founded thereon, prior to the separation of Kentucky from Virginia. It is the grant which passes the *legal* title to the land, and if the controversy is founded upon the conflicting grants of different states, the judicial power of the courts of the United States extends to the case, whatever may have been the equitable title of the parties prior to the grant.—*Colson et al* vs. *Lewis*, 2 *Wheaton*, 377.

Under the judiciary of 1789, chap. 20. sect. 25, giving appellate jurisdiction to the supreme court of the United States, from the final judgment or decree of the highest court of law or equity of a state, in certain cases the writ of error may be directed to any court in which the record and judgment on which it is to act may be found; and if the record has been remitted by the highest court, &c., to another court of the state, it may be brought by the writ of error from that court.—*Gelston* vs. *Hoyt*, 3 *Wheaton*, 246, 303.

The remedies in the courts of the United States at common law and in equity are to be, not according to the practice of state courts, but according to the principles of common law and equity as defined in England. This doctrine reconciled with the decisions of the courts of Tennessee, permitting an equitable title to be asserted in an action at law.—*Robinson* vs *Campbell*, 3 *Wheaton*, 221.

Remedies in respect to real property, are to be pursued according to the *lex loci rei sitæ.* —*Id.*, 219.

The courts of the United States have *exclusive* cognizance of questions of forfeiture upon all seizures made under the laws of the United States, and it is not competent for a state court to entertain or decide such question of forfeiture. If a sentence of condemnation be definitively pronounced by the proper court of the United States, it is conclusive that a forfeiture is incurred; if a sentence of acquittal, it is equally conclusive against the forfeiture, and in either case the question can not be again litigated in any common law for ever.—*Gelston* vs. *Hoyt*, 3 *Wheaton*, 246, 311.

Where a seizure is made for a supposed forfeiture under a law of the United States, no action of trespass lies in any common-law tribunal, until a final decree is pronounced upon the proceeding *in rem* to enforce such forfeiture: for it depends upon the final decreee of the court proceeding *in rem*, whether such seizure is to be deemed rightful or tortuous, and the action, if brought before such decree is made, is brought too soon.—*Id.*, 313.

If a suit be brought against the seizing officer for the supposed trespass while the suit for the forfeiture is depending, the fact of such pending may be pleaded in abatement, or as a temporary bar of the action. If after a decree of condemnation, then that fact may be pleaded as a bar: if after an acquittal with a certificate of reasonable cause of seizure, then that may be pleaded as a bar. If after an acquittal without such certificate, then the officer is without any justification for the seizure, and it is definitively settled to be a tortuous act. If to an action of trespass in a state court for a seizure, the seizing officer plead the fact of forfeiture in his defence without averring a *lis pendens*, or a condemnation, or an acquittal, with a certificate of reasonable cause of seizure, the plea is bad: for it attempts to put in issue the question of forfeiture in a state court.—*Id.*, 314.

Supposing that the third article of the constitution of the United States which declares, that "the judicial power shall extend to all cases of admiralty and maritime jurisdiction"

shall be at such place or places as the Congress may by law have directed.*

SECTION 3. Treason against the United States, shall consist only in

vested in the United States exclusive jurisdiction of all such cases, and that a murder committed in the waters of a state where the tide ebbs and flows, is a case of admiralty and maritime jurisdiction; yet Congress have not, in the 8th section of the act of 1790, chap. 9, "for the punishment of certain crimes against the United States," so exercised this power, as to confer on the courts of the United States jurisdiction over such murder.—*United States* vs. *Bevans*, 3 *Wheaton*, 336, 387.

Quere.—Whether courts of common law have concurrent jurisdiction with the admiralty over murder committed in bays, &c., which are enclosed parts of the sea?—*Id.*, 387.

The grant to the United States in the constitution of all cases of admiralty and maritime jurisdiction, does not extend to a cession of the waters in which those cases may arise, or of general jurisdiction over the same. Congress may pass all laws which are necessary for giving the most complete effect to the exercise of the admiralty and maritime jurisdiction granted to the government of the Union; but the general jurisdiction over the place subject to this grant, adheres to the territory as a portion of territory not yet given away, and the residuary powers of legislation still remain in the state.—*Id.*, 389.

The supreme court of the United States has constitutionally appellate jurisdiction under the judiciary act of 1789, chap. 20, sect. 25, from the final judgment or decree of the highest court of law or equity of a state having jurisdiction of the subject matter of the suit, where is drawn in question the validity of a treaty or statute of, or an authority exercised under, the United States, and the decision is against their validity: or where is drawn in question the validity of a statute of, or an authority exercised under any state, on the ground of their being repugnant to the constitution, treaties, or laws of the United States, and the decision is in favor of such their validity: or of the constitution, or of a treaty, or statute of, or commission held under the United States, and the decision is against the title, right, privilege, or exemption, specially set up or claimed by either party under such clause of the constitution, treaty, statute, or commission.—*Cohens* vs. *Virginia*, 6 *Wheaton*, 264, 375.

It is no objection to the exercise of this appellate jurisdiction, that one of the parties is a state, and the other a citizen of that state.—*Id.*

The circuit courts of the Union have chancery jurisdiction in every state: they have the same chancery powers, and the same rules of decision in equity cases, in all the states.—*United States* vs. *Howland*, 4 *Wheaton*, 108, 115.

Resolutions of the legislature of Virginia of 1810, upon the proposition from Pennsylvania to amend the constitution, so as to provide an impartial tribunal to decide disputes between the state and federal judiciaries.—*Note to Cohens* vs. *Virginia. Notes* 6 *Wheaton*, 358.

Where a cause is brought to this court by writ of error, or appeal from the highest court of law, or equity of a state, under the 25th section of the judiciary act of 1789, chap. 20, upon the ground that the validity of a statute of the United States was drawn in question, and that the decision of the state court was against its validity, &c., or that the validity of the statute of a state was drawn in question as repugnant to the constitution of the United States, and the decision was in favor of its validity, it must appear from the record, that the act of Congress, or the constitutionality of the state law, was drawn in question.—*Miller* vs. *Nicholls*, 4 *Wheaton*, 311, 315.

But it is not required that the record should in terms state a misconstruction of the act of Congress, or that it was drawn into question. It is sufficient to give this court jurisdiction of the cause, that the record should show that an act of Congress was applicable to the case.—*Id.*, 315.

The supreme court of the United States has no jurisdiction under the 25th section of the judiciary act of 1789, chap. 20, unless the judgment or decree of the state court be a final judgment or decree. A judgment reversing that of an inferior court, and awarding a *venire facias de novo*, is not a final judgment.—*Houston* vs. *Moore*, 3 *Wheaton*, 433.

By the compact of 1802, settling the boundary line between Virginia and Tennessee, and the laws made in pursuance thereof, it is declared that all claims and titles to land derived from Virginia, or North Carolina, or Tennessee, which have fallen into the respective states, shall remain as secure to the owners thereof, as if derived from the government within whose boundary they have fallen, and shall not be prejudiced or affected by the establishment of the line. Where the titles of both the plaintiff and defendant in ejectment were derived under grant from Virginia to lands which fell within the limits of Tennessee, it was held that a prior settlement right thereto, which would in *equity* give the party a title, could not be asserted as a sufficient title in an action of ejectment brought in the circuit court of Tennessee.—*Robinson* vs. *Campbell*, 3 *Wheaton*, 212.

Although the state courts of Tennessee have decided that, under their statutes (declaring an elder grant founded on a junior entry to be void), a junior patent, founded on a prior entry, shall prevail *at law* against a senior patent founded on a junior entry, this doctrine has never been extended beyond cases within the express provision of the statute of Tennessee, and could not apply to titles deriving all their validity from the laws of Virginia, and confirmed by the compact between the two states.—*Id.*, 212.

* See amendments, art. vi.

levying war against them, or in adhering to their enemies, giving them aid and comfort.

No person shall be convicted of treason unless on the testimony of two witnesses to the same overt act, or on confession in open court.

The Congress shall have power to declare the punishment of treason, but no attainder of treason shall work corruption of blood, or forfeiture except during the life of the person attainted.*

ARTICLE IV.

SECTION 1. Full faith and credit shall be given in each state to the public acts, records, and judicial proceedings of every other state.† And the Congress may by general laws prescribe the manner in which such acts, records and proceedings shall be proved, and the effect thereof.‡

SECTION 2. The citizens of each state shall be entitled to all privileges and immunities of citizens in the several states.

A person charged in any state with treason, felony, or other crime, who shall flee from justice, and be found in another state, shall on demand of the executive authority of the state from which he fled, be delivered up, to be removed to the state having jurisdiction of the crime.

No person held to service or labor in one state, under the laws thereof escaping into another, shall, in consequence of any law or regulation therein, be discharged from such service or labor, but shall be delivered up on claim of the party to whom such service or labor may be due.

SECTION 3. New states may be admitted by the Congress into this Union; but no new state shall be formed or erected within the jurisdiction of any other state; nor any state be formed by the junction of two or more states, or parts of states, without the consent of the legislatures of the states concerned as well as of the Congress.

The Congress shall have power to dispose of and make all needful rules and regulations respecting the territory or other property belonging to the United States; and nothing in this constitution shall be so construed as to prejudice any claims of the United States, or of any particular state.

SECTION 4. The United States shall guaranty to every state in this Union a republican form of government, and shall protect each of them against invasion; and on application of the legislature, or of the executive (when the legislature can not be convened) against domestic violence.

ARTICLE V.

The Congress, whenever two thirds of both houses shall deem it necessary, shall propose amendments to this constitution, or, on the application of the legislatures of two thirds of the several states, shall call a convention for proposing amendments, which, in either case, shall be valid to all intents and purposes, as part of this constitution, when ratified by the legislatures of three fourths of the several states, or by conventions in three fourths thereof, as the one or the other mode of ratification may be proposed by the Congress; provided that no amendment which may be made

* See laws of the United States, vol. ii., chap. 36.

† A judgment of a state court has the same credit, validity, and effect, in every other court within the United States, which it had in the court where it was rendered; and whatever pleas would be good to a suit thereon in such state, and none others can be pleaded in any other court within the United States.—*Hampton* vs. *McConnell*, 3 *Wheaton*, 234.

The record of a judgment in one state is conclusive evidence in another, although it appears that the suit in which it was rendered, was commenced by an attachment of property the defendant having afterward appeared and taken defence.—*Mayhew* vs. *Thacher*, 6 *Wheaton*, 129.

‡ See laws United States, vol. ii., chap. 38; and vol. iii., chap. 409.

prior to the year one thousand eight hundred and eight shall in any manner affect the first and fourth clauses in the ninth section of the first article; and that no state, without its consent, shall be deprived of its equal suffrage in the senate.*

ARTICLE VI.

All debts contracted and engagements entered into, before the adoption of this constitution, shall be as valid against the United States under this constitution, as under the confederation.

This constitution, and the laws of the United States which shall be made in pursuance thereof; and all treaties made, or which shall be made, under the authority of the United States, shall be the supreme law of the land;† and the judges in every state shall be bound thereby, anything in the constitution or laws of any state to the contrary notwithstanding.‡

The senators and representatives before mentioned, and the members of the several state legislatures, and all executive and judicial officers, both of the United States and of the several states, shall be bound by oath or affirmation, to support this constitution;§ but no religious test shall ever be required as a qualification to any office or public trust under the United States.

ARTICLE VII.

The ratification of the conventions of nine states, shall be sufficient for the establishment of this constitution between the states so ratifying the same.

Done in convention by the unanimous consent of the states present, the seventeenth day of September, in the year of our Lord one thousand seven hundred and eighty-seven and of the independence of the United States of America the twelfth. In witness whereof we have hereunto subscribed our names.

GO. WASHINGTON,
President, and deputy from Virginia.

NEW HAMPSHIRE.
JOHN LANGDON,
NICHOLAS GILMAN.

MASSACHUSETTS.
NATHANIEL GORHAM.
RUFUS KING.

CONNECTICUT.
WILLIAM SAMUEL JOHNSON,
ROGER SHERMAN.

NEW YORK.
ALEXANDER HAMILTON.

NEW JERSEY.
WILLIAM LIVINGSTON,
DAVID BREARLEY,
WILLIAM PATERSON,
JONATHAN DAYTON.

PENNSYLVANIA.
BENJAMIN FRANKLIN,
THOMAS MIFFLIN,
ROBERT MORRIS,
GEORGE CLYMER,
THOMAS FITZSIMONS,
JARED INGERSOLL,
JAMES WILSON,
GOUVERNEUR MORRIS.

DELAWARE.
GEORGE READ,
GUNNING BEDFORD, JR.,
JOHN DICKINSON,
RICHARD BASSETT,
JACOB BROOM.

MARYLAND.
JAMES M'HENRY,
DANIEL OF ST. THO. JENIFER,
DANIEL CARROLL.

VIRGINIA.
JOHN BLAIR,
JAMES MADISON, JR.

NORTH CAROLINA.
WILLIAM BLOUNT,
RICHARD DOBBS SPAIGHT,
HUGH WILLIAMSON.

SOUTH CAROLINA.
JOHN RUTLEDGE,
CHARLES C. PINCKNEY,
CHARLES PINCKNEY,
PIERCE BUTLER.

GEORGIA.
WILLIAM FEW,
ABRAHAM BALDWIN.

Attest: WILLIAM JACKSON, *Secretary.*

* See ante art. i., sect. 3, clause 1.

† An act of Congress repugnant to the constitution can not become a law.—*Marbury* vs. *Madison*, 1 *Cranch*, 176.

‡ The courts of the United States are bound to take notice of the constitution.—*Marbury* vs. *Madison*, 1 *Cranch*, 178.

A contemporary exposition of the constitution, practised and acquiesced under for a period of years, fixes its construction.—*Stuart* vs. *Laird*, 1 *Cranch*, 299.

The government of the Union, though limited in its powers, is supreme within its sphere of action, and its laws, when made in pursuance of the constitution, form the supreme law of the land.—*McCulloch* vs. *State of Maryland*, 4 *Wheaton*, 405.

§ See laws of the United States, vol. ii., chap. 1.

AMENDMENTS*

TO THE CONSTITUTION OF THE UNITED STATES, RATIFIED ACCORDING TO THE PROVISIONS OF THE FIFTH ARTICLE OF THE FOREGOING CONSTITUTION.

ARTICLE THE FIRST. Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech, or of the press; or the right of the people peaceably to assemble, and to petition the government for a redress of grievances.

ARTICLE THE SECOND. A well-regulated militia, being necessary to the security of a free state, the right of the people to keep and bear arms, shall not be infringed.

ARTICLE THE THIRD. No soldier shall, in time of peace be quartered in any house, without the consent of the owner, nor in a time of war, but in a manner to be prescribed by law.

ARTICLE THE FOURTH. The right of the people to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures, shall not be violated, and no warrants shall issue, but upon probable cause, supported by oath or affirmation, and particularly describing the place to be searched, and the persons or things to be seized.

ARTICLE THE FIFTH. No person shall be held to answer for a capital, or otherwise infamous crime, unless on a presentment or indictment of a grand jury, except in cases arising in the land or naval forces, or in the militia, when in actual service in time of war or public danger; nor shall any person be subject for the same offence to be twice put in jeopardy of life or limb; nor shall be compelled in any criminal case to be a witness against himself, nor be deprived of life, liberty, or property, without due process of law; nor shall private property be taken for public use, without just compensation.

ARTICLE THE SIXTH. In all criminal prosecutions, the accused shall enjoy the right to a speedy and public trial, by an impartial jury of the state and district wherein the crime shall have been committed, which district shall have been previously ascertained by law, and to be informed of the nature and cause of the accusation; to be confronted with the witnesses against him; to have compulsory process for obtaining witnesses in his favor, and to have the assistance of counsel for his defence.

ARTICLE THE SEVENTH. In suits at common law, where the value in controversy shall exceed twenty dollars, the right of trial by jury shall be preserved, and no fact tried by a jury, shall be otherwise re-examined in any court of the United States, than according to the rules of the common law.†

ARTICLE THE EIGHTH. Excessive bail shall not be required, nor excessive fines imposed, nor cruel and unusual punishments inflicted.

* Congress, at its first session, begun and held in the city of New York, on Wednesday, the 4th of March, 1789, proposed to the legislatures of the several states twelve amendments to the constitution, ten of which, only, were adopted.

† The act of assembly of Maryland, of 1793, chap. 30, incorporating the bank of Columbia, and giving to the corporation a summary process by execution in the nature of an attachment against its debtors who have, by an express consent in writing, made the bonds, bills, or notes, by them drawn or endorsed, negotiable at the bank, is not repugnant to the constitution of the United States or of Maryland.—*Bank of Columbia* vs. *Okely*, 4 *Wheaton*, 236, 249.

But the last provision in the act of incorporation, which gives this summary process to the bank, is no part of its corporate franchise and may be repealed or altered at pleasure by the legislative will.—*Id.*, 245.

ARTICLE THE NINTH. The enumeration in the constitution, of certain rights, shall not be construed to deny or disparage others retained by the people.

ARTICLE THE TENTH. The powers not delegated to the United States, by the constitution, nor prohibited by it to the states, are reserved to the states respectively, or to the people.*

ARTICLE THE ELEVENTH.† The judicial power of the United States shall not be construed to extend to any suit in law or equity, commenced or prosecuted against one of the United States by citizens of another state, or by citizens or subjects of any foreign state.

ARTICLE THE TWELFTH.‡ The electors shall meet in their respective states, and vote by ballot for president and vice-president, one of whom, at least, shall not be an inhabitant of the same state with themselves; they shall name in their ballots the person voted for as president, and in distinct ballots the person voted for as vice-president, and they shall make distinct lists of all persons voted for as president, and of all persons voted for as vice-president, and of the number of votes for each, which lists they shall sign and certify, and transmit sealed to the seat of the government of the United States, directed to the president of the senate;§—the president of the senate shall, in the presence of the senate and house of representatives, open all the certificates and the votes shall then be counted;—the person having the greatest number of votes for president, shall be the president, if such number be a majority of the whole number of electors appointed; and if no person have such majority, then from the persons having the highest numbers not exceeding three on the list of those voted for as president, the house of representatives shall choose immediately, by ballot, the president. But in choosing the president, the votes shall be taken by states, the representation from each state having one vote; a quorum for this purpose shall consist of a member or members from two

* The powers granted to Congress are not exclusive of similar powers existing in the states, unless where the constitution has expressly in terms given an exclusive power to Congress, or the exercise of a like power is prohibited to the states, or there is a direct repugnancy or incompatibility in the exercise of it by the states.—*Houston* vs. *Moore*, 5 *Wheaton*, 1, 12.

The example of the first class is to be found in the exclusive legislation delegated to Congress over places purchased by the consent of the legislature of the state in which the same shall be for forts, arsenals, dockyards, &c. Of the second class, the prohibition of a state to coin money or emit bills of credit. Of the third class, the power to establish a uniform rule of naturalization, and the delegation of admiralty and maritime jurisdiction.—*Id.*, 49.

In all other classes of cases, the states retain concurrent authority with Congress.—*Id.* 49.

But in cases of concurrent authority, where the laws of the states and the Union are in direct and manifest collision on the same subject, those of the Union being the supreme law of the land are of paramount authority, and the state laws so far, and so far only as such incompatibility exists, must necessarily yield.—*Id.*, 49.

There is nothing in the constitution of the United States similar to the articles of confederation, which excludes incidental or implied powers.—*McCulloch* vs. *State of Maryland*, 4 *Wheaton*, 406.

If the *end* be legitimate, and within the scope of the constitution, all the *means* which are appropriate, which are plainly adapted to that end, and which are not prohibited, may constitutionally be employed to carry it into effect.—*Id.*, 421.

The act of Congress of 4th May, 1812, entitled, "An act further to amend the charter of the city of Washington," which provides (sect. 6) that the corporation of the city shall be empowered for certain purposes and under certain restrictions, to authorize the drawing of lotteries, does not extend to authorize the corporation to force the sale of the tickets in such lottery in states where such sale may be prohibited by the state laws.—*Cohens* vs. *Virginia*, 6 *Wheaton*, 264, 375.

† This amendment was proposed at the first session of the third Congress. See ante art. iii., sect. 2, clause 1.

‡ Proposed at the first session of the eighth Congress. See ante art. ii., sect. 1, clause 3. Annulled by this amendment.

§ See laws of the United States, vol. ii., chap. 109, sect. 5.

thirds of the states, and a majority of all the states shall be necessary to a choice. And if the house of representatives shall not choose a president whenever the right of choice shall devolve upon them, before the fourth day of March next following, then the vice-president shall act as president, as in the case of the death or other constitutional disability of the president. The person having the greatest number of votes as vice-president, shall be the vice-president, if such number be a majority of the whole number of electors appointed, and if no person have a majority, then from the two highest numbers on the list, the senate shall choose the vice-president; a quorum for the purpose shall consist of two thirds of the whole number of senators, and a majority of the whole number shall be necessary to a choice. But no person constitutionally ineligible to the office of president shall be eligible to that of vice-president of the United States.

NOTE.—Another amendment was proposed as article xiii., at the second session of the eleventh Congress, but not having been ratified by a sufficient number of states, has not yet become valid as a part of the constitution of the United States. It is erroneously given as a part of the constitution, in page 74, vol i., laws of the United States.

I have examined and compared the foregoing print of the constitution of the United States, and the amendments thereto, with the rolls in this office, and find it a faithful and literal copy of the said constitution and amendments, in the text and punctuation thereof. It appears that the first ten amendments, which were proposed at the first session of the first Congress of the United States, were finally ratified by the constitutional number of states, on the 15th day of December, 1791; that the eleventh amendment, which was proposed at the first session of the third Congress, was declared, in a message from the president of the United States to both houses of Congress, dated 8th January, 1798, to have been adopted by three fourths, the constitutional number of states; and that the twelfth amendment, which was proposed at the first session of the eighth Congress, was adopted by three fourths, the constitutional number of states, in the year one thousand eight hundred and four, according to a public notice thereof, by the secretary of state, under date the 25th of September, of the same year.

DANIEL BRENT, *Chief Clerk.*

Department of State, Washington, 25th Feb., 1828.

*** For history of the formation of the constitution, the declaration of independence, and the articles of confederation, see vol. ii., end of the messages.

BIOGRAPHICAL SKETCH

OF

GEORGE WASHINGTON.

The family of Washington, in Virginia, is descended from English ancestors, who were anciently established at Turtfield and Warton, in Lancashire, from a branch of whom came Sir William Washington, of Leicestershire, eldest son and heir of Lawrence Washington, Esq., of Sulgrave in Northamptonshire. Sir William had, besides other younger brothers, two, named John and Lawrence, who emigrated to Virginia in 1657, and settled at Bridge's creek, on the Potomac river, in the county of Westmoreland. John, the father of Lawrence Washington, died in 1697, leaving two sons, John and Augustine. Augustine died in 1743, at the age of forty-nine, leaving several sons by his two marriages. George, the president, was the eldest by his second wife, Mary Ball, and was born at Bridge's creek, on the 22d (or 11th, old style) of February, 1732.

Each of the sons of Augustine Washington inherited from him a separate plantation. To the eldest, Lawrence, he bequeathed the estate on the Potomac river, afterward called Mount Vernon, which then consisted of twenty-five hundred acres, and also other lands and property. The second son, Augustine, received an estate in Westmoreland. To George were left the lands and mansion where his father lived at the time of his disease, situated in Stafford county, on the east side of the Rappahannock river, opposite Fredericksburg; and to each of the other four sons an estate of six or seven hundred acres. The youngest daughter died in infancy, and for the only remaining one a suitable provision was made in the will. Thus, it will be seen, that Augustine Washington left all his children in a state of comparative independence. His occupation had been that of a planter, and the large estates he was enabled to leave his family had been acquired chiefly by his own industry and enterprise.

Left a widow, with the charge of five young children, the eldest of whom was eleven years of age, Mrs. Washington, the mother of George, exhibited her resources of mind in the superintendence of their education and the management of the complicated affairs of her deceased husband,

who by his will had directed that the proceeds of all the property of her children should be at her disposal until they should respectively come of age. This excellent woman had the happiness to see all her children come forward with a fair promise into life, filling the sphere allotted to them with equal honor to themselves and to the parent who had been the only guide of their principles, conduct, and habits. She lived to witness the noble career of her eldest son, till he was raised to the head of a nation, and applauded and revered by the world. Her death took place at the age of eighty-two, at her residence in Fredericsburg, Virginia, August 25, 1789.

Under the colonial governments, particularly in those of the south, the means of education were limited. Those young men who were destined for the learned professions were occasionally sent to England, when their parents were sufficiently wealthy to bear the expenses; while the planters generally were satisfied with such a home education for their sons as would fit them for the duties of practical life, by means of a private tutor, or a teacher of the common schools then in existence. The simplest elements of knowledge only, such as reading, writing, arithmetic, and keeping accounts, were taught at schools of this description, to one of which George Washington was sent, and to such slender advantages was he indebted for all the aids his mind received in his juvenile years.

While at school he was noted for an inquisitive, docile, and diligent disposition, but displaying military propensities and passion for active sports. He formed his playmates into companies, who paraded, marched, and fought mimic battles, in which he was always the commander of one of the parties. He had also a fondness for running, jumping, wrestling, and other active sports and feats of agility.

His early proficiency in some branches of study is shown by his manuscript schoolbooks, which, from the time he was thirteen years old, have been preserved. These books begin with geometry, and he had already become familiar with arithmetic in the most difficult parts. Many pages of the manuscript in question are filled with what he calls *Forms of writing*, such as notes of hand, bills of exchange, bonds, land-warrants, leases, deeds, and wills, written out with care, and in a clerk's hand. Then follow selections in poetry of a moral and religious cast, and *Rules of Behavior in Company and Conversation*, which code of rules it is believed had an influence upon his whole life. Of an ardent temperament and strong passions, it was his constant effort and ultimate triumph, through the varied scenes of his eventful life, to check the one and subdue the other. His intercourse with men, private and public, in every walk and station, was marked with a consistency, a fitness to occasions, a dignity, decorum, condescension, and mildness, which were at once the dictates of his own good sense and judgment, and the fruits of unwearied discipline.

The last two years which he passed at school were devoted to the study of geometry, trigonometry, and surveying, for which he had a decided partiality. He thus qualified himself for his subsequent profession as a surveyor, in the practice of which he had an opportunity of acquiring information respecting vacant lands, and of forming those opinions concerning their future value which afterward greatly contributed to increase his private fortune. Except the above branches of the mathematics, his acquirements did not extend beyond the subjects usually taught to boys of his age at the common schools. It is even doubtful whether he received any instructions in the principles of language. By practice, reading, and study in after-life, he gradually overcame his early defects in composition till at length he wrote with accuracy, purity of idiom, and a striking appropriateness of phraseology and clearness of style. No aid was derived from any other than his native tongue. He never even commenced the study of the ancient classics. While in the army, after the French officers had joined the Americans, he bestowed some attention on the French language, but at no time could he write or converse in it, or indeed translate any paper.*

In the year 1746, while he was yet at school, a midshipman's warrant was obtained for him in the British army, by his eldest brother, Lawrence, who had been an officer in the British service, and served at the siege of Carthagena and in the West Indies. George, who was then fourteen years of age, was desirous thus early of embracing the opportunity presented for a naval life, but the interference of an affectionate mother deferred the commencement and changed the course of his military career.

Soon after leaving school, in his sixteenth year, he went to reside with his brother Lawrence, at his seat on the Potomac river, which had been called Mount Vernon, in compliment to the admiral of that name. The winter passed in the study of mathematics and in the exercise of practical surveying. At this time he was introduced to Lord Fairfax, and other members of the Fairfax family, established in that part of Virginia. With this family, his brother Lawrence was connected by marriage, and to his intimate acquaintance with them was George Washington mainly indebted for the opportunities of performing those acts which laid the foundation of his subsequent successes and advancement.

Lord Fairfax was possessed of large tracts of wild lands in the valleys of the Allegany mountains, which had not been surveyed; and so favorable an opinion had he formed of the abilities and attainments of young Washington, that he intrusted to him the responsible service of surveying and laying out the lands in question. He set off on this surveying expedition soon after he had attained his sixteenth year, accompanied by George Fairfax, a young man who was a relative of Lord Fairfax. The enterprise was arduous, and attended with privations and fatigues, but the

* Sparks's Life of Washington.

task was executed in such a manner as to give satisfaction to his employer, and establish his reputation as a surveyor. Having received a commission or appointment as a public surveyor, he devoted three years to this pursuit, which at that time was lucrative and important.

At the age of nineteen he was appointed one of the adjutant-generals of Virginia, with the rank of major. His military propensities had increased with his years, and he prepared himself by the study of books on the military art and by the manual exercise for the life of a soldier. But he had scarcely engaged in this service, when he was called upon to accompany his brother Lawrence on a voyage to the West Indies for his health. They sailed for Barbadoes in September, 1751, and soon after landing on that island, George was seized with the smallpox. The disease was severe, but with good medical attendance he was able to go abroad in three weeks. Leaving his brother Lawrence to embark for Bermuda, he returned to Virginia in February, having been absent over four months. His brother soon followed him, without recovering his health, and died the following summer. Large estates were left by the deceased brother to the care and management of George, who was appointed one of the executors, with a contingent interest in the estate of Mount Vernon and other lands. But his private employments did not prevent his attention to his public duties as adjutant-general, the sphere of which office was enlarged by new arrangements.

The plan formed by France for connecting her extensive dominions in America, by uniting Canada with Louisiana, now began to develop itself. Possession was taken by the French of a tract of country then deemed to be within the province of Virginia, and a line of posts was commenced from Canada to the Ohio river. The attention of Lieutenant-Governor Dinwiddie, of Virginia, was attracted by these movements, and he deemed it his duty to send a messenger to the French officers and demand, in the name of the king of Great Britain, that they should desist from the prosecution of designs which violated, as he thought, the treaties between the two crowns. Washington, at his own desire, was selected for this hazardous enterprise, and he engaged in it with alacrity, commencing his journey the day on which he was commissioned, in October, 1753. His course was through a dreary wilderness, inhabited for the most part only by Indians, many of whom were hostile to the English. Conducted by guides over the Allegany mountains, he suffered many hardships, and experienced many narrow escapes, but succeeded in reaching the French forts on the Allegany branches of the Ohio. After delivering the lieutenant-governor's letter to St. Pierre, the French commanding officer, and receiving an answer, he returned, with infinite fatigue and much danger, from the hostile Indians, to Williamsburg. The manner in which he performed his duty on this occasion raised him much in public opinion, as well as in that of the lieutenant-governor. His journal, which extended

to sixty days, was published by authority, and laid the foundation of Washington's fame, as it gave strong evidence of his sagacity, fortitude, and sound judgment.

As the French commandant on the Ohio showed no disposition, in his answer sent by Washington, to withdraw his forces from that country, the assembly of Virginia determined to authorize the governor and council to raise a regiment of three huudred men, to be sent to the frontier, for the purpose of maintaining the rights of Great Britain to the territory invaded by the French. The command of this regiment was given to Colonel Fry. Major Washington was appointed lieutenant-colonel, and obtained permission to march with two companies in advance of the other troops to the Great Meadows. In a dark rainy night, May 28, 1754, Colonel Washington surrounded and surprised a detachment of the French troops, a few miles west of the Great Meadows. The Americans fired about daybreak upon the French, who immediately surrendered. One man only escaped, and the commanding officer of the party, M. de Jumonville, and ten of his men were killed. Being soon after joined by the residue of the regiment, also by two companies of regulars, and Colonel Fry having died, the command devolved on Colonel Washington. This body of men, numbering less than four hundred, were, in the following month of July, attacked by about fifteen hundred French and Indians, at Fort Necessity, situated at the Great Meadows, and after a contest which lasted a whole day, the French offered terms of capitulation, and articles were signed, by which the fort was surrendered, and the garrison allowed the honors of war, and permitted to return unmolested into the inhabited parts of Virginia. Great credit was given to Colonel Washington by his countrymen, for the courage displayed on this occasion, and the legislature were so satisfied with the conduct of the party as to vote their thanks to him and the officers under his command. They also ordered three hundred pistoles to be distributed among the soldiers, as a reward for their bravery.

Soon after this campaign, Washington retired from the militia service, in consequence of an order from the war department in England, which put those of the same military rank in the royal army over the heads of those in the provincial forces. This order created great dissatisfaction in the colonies, and Washington, while refusing to submit to the degradation required, declared that he would serve with pleasure when he should be enabled to do so without dishonor.

The unfortunate expedition of General Braddock followed in 1755. The general, being informed of the merit of Washington, invited him to enter into his family as a volunteer and aid-de-camp. This invitation Colonel Washington accepted, as he was desirous to make one campaign under an officer supposed to possess some knowledge in the art of war. The disastrous result of Braddock's expedition is well known. In the battle of the Monongahela, in which General Braddock was killed, Wash-

ington had two horses shot under him, and four balls passed through his coat, as his duty and situation exposed him to every danger. Such was the general confidence in his talents, that he may be said to have conducted the retreat.

Soon after his return to his home at Mount Vernon, Colonel Washington was appointed by the legislature of the colony, commander-in-chief of all the forces raised and to be raised in Virginia, which appointment he accepted, and for about three years devoted his time to recruiting and organizing troops for the defence of the colony. In the course of his duties in this service, he had occasion to visit Boston on business with General Shirley, who was then the British commander-in-chief in America. This journey of five hundred miles, Washington, accompanied by his aid and another officer, performed on horseback in the winter of 1756. He stopped several days in the principal cities on the route, where his military character and services in the late campaign procured for him much notice.

While in New York he was entertained at the house of Mr. Beverly Robinson, between whom and himself an intimacy subsisted till it was broken off by their opposite fortune twenty years afterward in the revolution. The sister of Mrs. Robinson, Miss Mary Phillips, was an inmate of the family, and being a young lady of rare accomplishments, her charms made a deep impression upon the heart of the Virginia colonel. He imparted his secret to a confidential friend whose letters kept him informed of every important event. He soon learned that a rival was in the field, and was advised to renew his visits; but he never saw the lady again, till she was married to that same rival, Captain Morris, his former associate in arms, and one of Braddock's aids-de-camp.*

In 1758, Colonel Washington commanded an expedition to Fort Du Quesne, which terminated successfully, and the French retired from the western frontier. By gaining possession of the Ohio the great object of the war in the middle colonies was accomplished, and having abandoned the idea he had entertained of making an attempt to be united to the British establishment, he resigned his commission in the colonial service, in December, 1758, after having been actively engaged in the service of his country more than five years.

Having paid his addresses successfully the preceding year to Mrs. Martha Custis, Colonel Washington was married to that lady on the sixth of January, 1759. She was three months younger than himself, and was the widow of John Parke Custis, and daughter of John Dandridge. Distinguished alike for her beauty, accomplishments, and wealth, she was possessed also of those qualities which adorn the female character, and contribute to render domestic life attractive and happy. Mr. Custis, her first husband, had left large landed estates, and forty-five thousand pounds

* Sparks's Life of Washington.

sterling in money. One third of this property his widow held in her own right, the other two thirds being equally divided between her, a son, and daughter, the former six years old, the latter four, at the time of her second marriage.

An accession of more than one hundred thousand dollars was made to Colonel Washington's fortune by his marriage, in addition to what he already possessed in the estate of Mount Vernon, and other lands which he had selected during his surveying expeditions, and obtained at different times. His extensive private affairs now required his constant attention. He was also guardian to the two children of Mrs. Washington, and this trust he discharged with all the care of a father, till the son became of age, and the daughter died in her nineteenth year. This union was in every respect felicitious, and continued forty years; the lady surviving her distinguished husband, only about eighteen months. To her intimate acquaintances, and to the nation, the character of Mrs. Washington was ever a theme of praise. Affable, courteous, and charitable, exemplary in her deportment; unostentatious and without vanity, she was much esteemed in private life, and filled with dignity every station in which she was placed.*

To the delightful retreat of Mount Vernon, the late commander of the Virginia forces, released from the cares of a military life, and in possession of everything that could make life agreeable, withdrew, three months after his marriage and gave himself up to domestic pursuits. These were conducted with so much judgment, steadiness, and industry, as greatly to enlarge and improve his estate. He had a great fondness for agricultural pursuits, and in all the scenes of his public career, there was no subject upon which his mind dwelt with so lively an interest as on that of agriculture. The staple product of Virginia, particularly in the lower counties, was tobacco, to the culture of which Washington chiefly directed his care. This he exported to England for a market, importing thence, as was then the practice of the Virginia planters, implements of agriculture, wearing apparel, and most other articles of common family use. For the study of English literature he had a decided taste, and his name is frequently to be found as subscriber to such works as were published in the colonies.

The enjoyments of private life at Mount Vernon, and the exercise of a generous hospitality at that mansion, continued uninterrupted for a period of about fifteen years; with the exception of his absence from home during the session of the Virginia legislature, to the house of burgesses of which colony Washington was first elected a representative from the county of Frederic, during his last military campaign, without his personal solicitation or influence. He took his seat in that body at Williamsburg in 1759, and from that time till the beginning of the revolution, a period of fifteen years, he was constantly a member of the house of burgesses,

* Sparks.

being returned by a majority of votes at every election. For seven years he represented jointly with another delegate the county of Frederic, and afterward the county of Fairfax, in which he resided. There were commonly two sessions in a year, and sometimes three. He gave his attendance punctually and from the beginning to the end of almost every session.

His influence in public bodies was produced more by the soundness of his judgment, his quick perceptions, and his directness and sincerity, than by eloquence or art. He seldom spoke, never harangued, and it is not known that he ever made a set speech, or entered into a stormy debate. But his attention was at all times awake, and he was ever ready to act with decision and firmness. His practice may be inferred by the following counsel. In a letter to a nephew, who had been chosen and taken his seat as a member of the assembly, he says: "The only advice I will offer, if you have a mind to command the attention of the house, is to speak seldom, but on important subjects, except such as properly relate to your constituents, and in the former case make yourself perfectly master of the subject. Never exceed a decent warmth, and submit your sentiments with diffidence. A dictatorial style, though it may carry conviction, is always accompanied with disgust."

In the Virginia legislature, Washington acquitted himself with reputation, and gained no inconsiderable knowledge of the science of civil government. During this period the clashing claims of Great Britain and her colonies were frequently brought before the colonial assembly. In every instance he took a decided part in the opposition made to the principle of taxation claimed by the mother-country, and went heart and hand with Henry, Randolph, Lee, Wythe, and the other prominent leaders of the time. His disapprobation of the stamp-act was expressed in unqualified terms. He spoke of it in a letter written at the time, as an "unconstitutional method of taxation," and "a direful attack on the liberties of the colonists." And subsequently he said: "The repeal of the stamp-act, to whatever cause owing, ought much to be rejoiced at. All, therefore, who were instrumental in procuring the repeal, are entitled to the thanks of every British subject, and have mine cordially." He was present in the Virginia legislature, when Patrick Henry offered his celebrated resolutions on this subject, and from his well-known sentiments expressed on other occasions, it is presumed that Washington concurred with the patriotic party which supported these early movements in favor of colonial rights and liberties.

In the subsequent acts of the people of the colonies in resisting the claims and aggressions of the British government, Washington cordially sympathized, and approved of the most decisive measures proposed in opposition, particularly of the agreements not to import goods from Great Britain. "The northern colonies," he remarks in a letter to George Mason, "it appears, are endeavoring to adopt this scheme. In my opinion,

it is a good one, and must be attended with salutary effects, provided it can be carried pretty generally into execution." In these sentiments Mr. Mason concurred, and with a view to bring about a concert of action between Virginia and the northern colonies, he drew up a series of articles in the form of an association. The house of burgesses met in May, 1769, and as Mr. Mason was not a member, Washington took charge of the non-importation agreement paper, which, on being presented by him, after the dissolution of the assembly, was unanimously adopted by the members who assembled in a body at a private house. Every member subscribed his name to it, and it was then printed and distributed in the country for the signatures of the people. Washington was scrupulous in observing this agreement, enjoining his correspondents in London to send him none of the articles enumerated in the agreement of association, unless the offensive acts of parliament should be repealed.

In the autumn of 1770, Washington, accompanied by a friend, visited the western lands of Virginia on the Ohio river, for the purpose of selecting tracts awarded to the officers and soldiers for their services in the French war. Proceeding to Pittsburg on horseback, he there embarked in a canoe, and descended the Ohio river to the Great Kenhawa, a distance of 265 miles. After examining the lands on the latter river and making selections, he returned up the Ohio, and thence to Mount Vernon.

The Virginia assembly, which had been prorogued by the governor, Lord Dunmore, from time to time, until March, 1773, is distinguished as having brought forward the resolves instituting a committee of correspondence, and recommending the same to the legislatures of the other colonies; Washington was present and gave his support to those resolves. At the next session, which took place in May, 1774, the assembly adopted still more decisive measures. The news having reached Williamsburg at the commencement of the session, of the passage of the act of the British parliament for shutting up the port of Boston, the sympathy and patriotic feelings of the burgesses were strongly excited, and they forthwith passed an order deprecating this procedure, and setting apart the first of June to be observed as a day of fasting and prayer to implore the Divine interposition in behalf of the colonies. The governor thereupon dissolved the house the next morning.

The delegates, eighty-nine in number, immediately repaired to the Raleigh tavern, organized themselves into a committee, and drew up and signed an association, among other matters, advising the committee of correspondence to communicate with the committees of the other colonies, on the expediency of appointing deputies to meet in a general correspondence. Although the idea of a congress had been suggested by Doctor Franklin the year before, and proposed by town meetings at Providence (Rhode Island), Boston, and New York, yet this was the first public assembly by which it was formally recommended.

Twenty-five of the Virginia delegates, who had remained in Williamsburg, among whom was Washington, met on the twenty-ninth of May, and issued a circular letter to the people of Virginia, recommending a meeting of deputies from the several counties at Williamsburg, on the first of August, for the purpose of a more full and deliberate discussion. Meetings were accordingly held in the several counties, resolutions were adopted, and delegates appointed to the proposed convention. In Fairfax county, Washington presided as chairman, and was one of a committee to prepare a series of resolves, expressive of the sense of the people. These resolves are twenty-four in number, and were drawn by George Mason; they constitute an able and luminous exposition of the points at issue between Great Britain and the colonies. They are of special interest as containing the opinions of Washington at a critical time, when he was soon to be raised by his countrymen to a station of the highest trust and responsibility.*

In a letter to his friend Bryan Fairfax, dated July 20, 1774, Washington writes as follows:—

"Satisfied, then, that the acts of the British parliament are no longer governed by the principles of justice, that they are trampling upon the valuable rights of Americans, confirmed to them by charter and by the constitution they themselves boast of, and convinced beyond the smallest doubt, that these measures are the result of deliberation, and attempted to be carried into execution by the hand of power, is it a time to trifle, or risk our cause upon petitions, which with difficulty obtain access, and afterward are thrown by with the utmost contempt? Or should we, because heretofore unsuspicious of design, and then unwilling to enter into disputes with the mother-country, go on to bear more, and forbear to enumerate our just causes of complaint? For my own part, I shall not undertake to say where the line between Great Britain and the colonies should be drawn; but I am clearly of opinion that one ought to be drawn, and our rights clearly ascertained. I could wish, I own, that the dispute had been left to posterity to determine, but the crisis is arrived when we must assert our rights, or submit to every imposition that can be heaped upon us, till custom and use shall make us tame and abject slaves."

One of the principal acts of the Virginia convention, which met at Williamsburg on the first of August, 1774, of which body Washington was a member, was to adopt a new association, whose objects were resistance to parliamentary aggressions, by non-intercourse with Great Britain. The convention appointed Peyton Randolph, Richard Henry Lee, George Washington, Patrick Henry, Richard Bland, and Edmund Pendleton, delegates to the first continental Congress, which met at Philadelphia, on the fifth of September. Two of Washington's associates, Mr. Henry and Mr. Pendleton stopped on their way at Mount Vernon,

* These resolves are in Washington's writings, vol. ii., appendix, page 488.

whence they all pursued their journey together and were present at the opening of the Congress. As the debates of that distinguished assembly were never made public, the part performed by each individual can not now be known. In its transactions, however, Washington took an active part, and Mr. Wirt in his life of Patrick Henry relates an anecdote which shows in what estimation he was held by his associate members of Congress. Soon after Patrick Henry returned home, being asked whom he thought the greatest man in Congress, he replied: "If you speak of eloquence, Mr. Rutledge of South Carolina is by far the greatest orator; but if you speak of solid information and sound judgment, Colonel Washington is unquestionably the greatest man on that floor."

Replying to a letter from his friend Captain Mackenzie of the British army, then stationed at Boston, in which that officer spoke of the rebellious conduct of the Bostonians, their military preparations, and their secret aim at independence, Washington wrote, while attending the Congress, giving his sentiments and views on the state of public affairs. The following are extracts:—

"Although you are taught to believe that the people of Massachusetts are rebellious, setting up for independence, and what not; give me leave, my good friend, to tell you that you are abused, grossly abused. Give me leave to add, and I think I can announce it as a fact, that it is not the wish or interest of that government, or any other upon this continent, separately or collectively, to set up for independence; but this you may at the same time rely on, that none of them will ever submit to the loss of those valuable rights and privileges which are essential to the happiness of every free state, and without which, life, liberty, and property, are rendered totally insecure.

"Again, give me leave to add, as my opinion, that more blood will be spilled on this occasion, if the ministry are determined to push matters to extremity, than history has ever yet furnished instances of in the annals of North America, and such a vital wound will be given to the peace of this great country, as time itself can not cure, or eradicate the remembrance of."

What is here said of independence is confirmed by the address of the first Congress to the people of Great Britain. "You have been told that we are seditious, impatient of government, and desirous of independency. Be assured that these are not facts, but calumnies." That such were at this time the sentiments of the leaders in America, there can be no reasonable doubt; being accordant with all their public acts and private declarations.

It is not easy to determine at what precise date the idea of independence was first entertained by the principal persons in America. The spirit and form of their institutions led the colonists frequently to act as an independent people, and to set up high claims in regard to their rights and

privileges; but there is no sufficient evidence to prove, that any province, or any number of prominent individuals, entertained serious thoughts of separating entirely from the mother-country, till very near the actual commencement of the war of the revolution.*

While Washington and his principal coadjutors had no confidence in the success of petitions to the king and parliament, and looked forward to the probable appeal to arms, they were still without any other anticipations than by a resolute vindication of their rights to effect a change in the conduct and policy of the British government, and restore the colonies to their former condition.

On returning from Congress to his farm, Colonel Washington was soon interrupted in his private occupations by the calls of his fellow-citizens of Virginia, to assist in organizing military companies for the defence of the colony, and to prepare for the approaching contest with Great Britain. He was consulted as the first military character in Virginia, and it seemed to be the expectation of the people that in the event of a war he would be placed in command of the Virginia forces. Being solicited to act as field-officer in an independent company, he wrote to his brother as follows: "I shall very cheerfully accept the honor of commanding it, if occasion require it to be drawn out, as it is my full intention to devote my life and fortune in the cause we are engaged in, if needful."

Washington was a delegate to the second Virginia convention, which met at Richmond on the 20th of March, 1775, and approved of the proceedings of the continental Congress of 1774. A committee, of which Washington was a member, was appointed, on motion of Patrick Henry, and reported a plan of defence, by embodying, arming, and disciplining the militia. He was also on a committee to devise a plan for the encouragement of domestic arts and manufactures. The people were advised to form societies for that purpose, and the members of the convention agreed that they would use home manufactures in preference to any others,

* Among those who from the first seemed, to have a presentiment that reconciliation with Great Britain was out of the question was Patrick Henry. As early as 1773, according to Mr. Wirt, he alluded to the probability of a Declaration of Independence, and predicted that after being assisted by France, Spain, and Holland, "our independence would be established and we should take our stand among the nations of the earth!" Down to the year 1775, however the idea of independence was not generally prevalent or popular among the great mass of the American people. Doctor Timothy Dwight of New Haven, Connecticut, for many years president of Yale college, and for a time a chaplain in the revolutionary army, confirms this statement in his writings. "In the month of July, 1775," he says, "I urged in conversation with several gentlemen of great respectability, firm whigs, and my intimate friends, the importance, and even the necessity, of a declaration of independence on the part of the colonies, and alleged for this measure the very same arguments which afterward were generally considered as decisive; but found them disposed to give me and my arguments, a hostile and contemptuous, instead of a cordial reception. These gentlemen may be considered as representatives of the great body of the thinking men in this country. A few may perhaps be excepted, but none of these durst at that time openly declare their opinions to the public."

Dwight's Travels, vol. i., page 159.

themselves. The former delegates were again chosen by the convention to represent Virginia in the next continental Congress, and Washington with his colleagues repaired to Philadelphia, where that body assembled on the 10th of May, 1775.

Hostilities having commenced between Great Britain and the colonies, Congress first proceeded to consider the state of the country and to provide for defence. The military fame and reputation of Washington were universally acknowledged by his countrymen and duly appreciated by his associates in the national councils. He was appointed chairman of the various committees charged with the duty of making arrangements for defence; including the devising of ways and means, making estimates, and preparing rules and regulations for the government of the army. The forces under the direction of Congress were, on motion of John Adams, called "the continental army."

The selection of a commander-in-chief of the American armies, was a task of great delicacy and difficulty. There were several older officers than Colonel Washington, of experience and reputation, who had claims for the appointment, but it was considered good policy to make the selection from Virginia, and all acknowledged the military accomplishments and other superior qualifications of Washington. The New England delegates were among the foremost to propose and the most zealous to promote the appointment of Colonel Washington. John Adams, one of the Massachusetts delegates, on moving that the army then besieging the British troops in Boston should be adopted by Congress as a continental army, said it was his intention to propose for the office of commander-in-chief, a gentleman from Virginia who was at that time a member of their own body. When the day for the appointment arrived (the fifteenth of June, 1775), the nomination was made by Mr. Thomas Johnson of Maryland. The choice was by ballot, and Colonel Washington was unanimously elected. As soon as the result was ascertained, the house adjourned. On the convening of Congress the next morning, the president communicated to him officially the notice of his appointment, and he rose in his place, and signified his acceptance in the following brief and appropriate reply:—*

"Mr. President: Though I am truly sensible of the high honor done me in this appointment, yet I feel great distress from a consciousness that my abilities and military experience may not be equal to the extensive and important trust. However, as the Congress desire it, I will enter upon the momentous duty, and exert every power I possess in their service, and for support of the glorious cause. I beg they will accept my most cordial thanks, for this distinguished testimony of their approbation.

"But lest some unlucky event should happen unfavorable to my reputation, I beg it may be remembered by every gentleman in the room, that

* Sparks.

I this day declare, with the utmost sincerity, I do not think myself equal to the command I am honored with.

"As to pay, sir, I beg leave to assure the Congress, that, as no pecuniary consideration could have tempted me to accept this arduous employment, at the expense of my domestic ease and happiness, I do not wish to make any profit from it. I will keep an exact account of my expenses; those I doubt not they will discharge, and that is all I desire."

In a letter to his wife, announcing his appointment, dated Philadelphia, June 18, 1775, Washington expressed similar sentiments to the foregoing, as follows:—

"My Dearest: I am now set down to write to you on a subject which fills me with inexpressible concern, and this concern is greatly aggravated and increased, when I reflect upon the uneasiness I know it will give you. It has been determined in Congress, that the whole army raised for the defence of the American cause shall be put under my care, and that it is necessary for me to proceed immediately to Boston to take upon me the command of it.

"You may believe me, when I assure you in the most solemn manner, that, so far from seeking this appointment, I have used every endeavor in my power to avoid it, not only from my unwillingness to part with you and the family, but from a consciousness of its being a trust too great for my capacity, and that I should enjoy more real happiness in one month with you at home, than I have the most distant prospect of finding abroad, if my stay were to be seven times seven years. But as it has been a kind of destiny that has thrown me upon this service, I shall hope that my undertaking it is designed to answer some good purpose. You might and I suppose did perceive, from the tenor of my letters, that I was apprehensive I could not avoid this appointment, without exposing my character to such censures, as would have reflected dishonor upon myself, and given pain to my friends. This, I am sure, could not, and ought not, to be pleasing to you, and must have lessened me considerably in my own esteem. I shall rely, therefore, confidently on that Providence which has heretofore preserved and been bountiful to me."

The appointment was made on the 15th of June, four days after which he received his commission from the president of Congress, declaring him commander-in-chief of all the forces then raised, or that should be raised, in the united colonies, or that should voluntarily offer their services for the defence of American liberty. The members of Congress by resolution, unanimously pledged themselves to maintain, assist, and adhere to him with their lives and fortunes, in the same cause. Four major-generals, eight brigadier-generals, and an adjutant-general, were likewise appointed by Congress for the continental army.

On the 21st of June, Gen. Washington hastened from Philadelphia to join the continental army at Cambridge near Boston. He was accompa-

nied by Generals Lee and Schuyler, and escorted by a volunteer troop of light horse which continued with him to New York. On his way he was everywhere received by the people with enthusiasm, and the respect to which his new rank entitled him. The particulars of the battle of Bunker's hill reached him at New York, and increased his anxiety to hasten forward to the army. Leaving Gen. Schuyler in command at New York, Washington again pursued his journey, escorted by volunteer military companies, to Springfield, Massachusetts, where he was met by a committee of the provincial Congress of that colony, which attended him to Cambridge. He arrived at the latter place on the second of July, and took the command of the army the next day.

At this time Gen. Washington found the British intrenched on Bunker's hill, having also three floating batteries in Mystic river, and a twenty-gun ship below the ferry between Boston and Charlestown. They had also a battery on Copp's hill, and were strongly fortified on Boston Neck. The Americans were intrenched at various points so as to form a line of siege around Boston and Charlestown.

The effective force of the American army placed under the command of Washington, amounted to fourteen thousand, five hundred men, raised in the New England colonies.* Several circumstances concurred to render this force very inadequate to active operations. Military stores were deficient in camp, and the whole amount in the country was inconsiderable. Under all these embarrassments, the general observed, that "he had the materials of a good army; that the men were able-bodied, active, zealous in the cause, and of unquestionable courage." He immediately instituted such arrangements as were calculated to increase their capacity for service. The army was distributed into brigades and divisions, and on his recommendation, general staff-officers were appointed. Economy, union, and system, were introduced into every department. As the troops came into service under the authority of distinct colonial governments, no uniformity existed among the regiments. In Massachusetts, the men had chosen their officers, and (rank excepted) were in other respects, frequently their equals. To form one uniform mass of these discordant materials, and to subject freemen, animated with the spirit of liberty, and collected for its defence, to the control of military discipline, required patience, forbearance, and a spirit of accommodation. This delicate and arduous duty was undertaken by General Washington, and discharged with great address. When he had made considerable progress in disciplining his army, the term for which enlistments had taken place was on the point of expiring. The commander-in-chief made early and forcible representations to Congress on this subject, and urged them to adopt efficient measures for the formation of a new army. They deputed three of their mem-

* Several companies of riflemen from Virginia, Pennsylvania, and Maryland, joined the army at Cambridge in September, having marched from four to seven hundred miles.

bers, Mr. Lynch, Dr. Franklin, and Mr. Harrison, to repair to camp, and in conjunction with him and the chief magistrates of the New England colonies, to confer on the most effectual mode of continuing, supporting, and regulating, a continental army. By them it was resolved to enlist 23,722 men, as far as practicable, from the troops before Boston, to serve till the last day of December, 1776, unless sooner discharged by Congress.

In the execution of this resolve, Washington called upon all officers and soldiers to make their election for retiring or continuing. Several of the inferior officers retired. Many of the men would not continue on any terms. Several refused, unless they were indulged with furloughs; others unless they were allowed to choose their officers. So many impediments obstructed the recruiting service, that it required great address to obviate them. Washington made forcible appeals, in general orders, to the pride and patriotism of both officers and men. He promised every indulgence compatible with safety, and every comfort that the state of the country authorized. In general orders of the 20th of October, he observed:—

"The times, and the importance of the great cause we are engaged in, allow no room for hesitation and delay. When life, liberty, and property, are at stake; when our country is in danger of being a melancholy scene of bloodshed and desolation; when our towns are laid in ashes, innocent women and children driven from their peaceful habitations, exposed to the rigors of an inclement season, to depend perhaps on the hand of charity for support; when calamities like these are staring us in the face, and a brutal savage enemy threatens us and everything we hold dear, with destruction from foreign troops; it little becomes the character of a soldier to shrink from danger, and condition for new terms. It is the general's intention to indulge both officers and soldiers who compose the new army with furloughs for a reasonable time; but this must be done in such a manner as not to injure the service, or weaken the army too much at once."

In the instructions given to the recruiting officers, the general enjoined upon them, "not to enlist any person suspected of being unfriendly to the liberties of America, or any abandoned vagabond, to whom all causes and countries are equal and alike indifferent."*

Though great exertions had been made to procure recruits, yet the regiments were not filled. Several causes operated in producing this disinclination to the service. The sufferings of the army had been great; fuel, clothes, and even provisions, had not been furnished them in sufficient quantities; the small-pox deterred many from entering; but the principal reason was a dislike to a military life. Much also of that enthusiasm which brought numbers to the field, on the commencement of hostilities had abated. The army of 1775 was wasting away by the expiration of the terms of service, and recruits for the new, entered slowly.*

Unfortunately, an essential error had been committed in constituting the

* Ramsay.

first military establishment of the Union, the consequences of which ceased only with the war. The soldiers were enlisted for the term of one year, if not sooner discharged by Congress. This fatal error brought the American cause more than once into real hazard.

General Washington had earnestly urged Congress to offer a bounty; but this expedient was not adopted till late in January; and on the last day of December, 1775, when the old army was disbanded, only nine thousand six hundred and fifty men had been enlisted for the army of 1776.

The general viewed with deep mortification the inactivity to which he was compelled to submit. His real difficulties were not generally known; his numbers were exaggerated; his means of acting on the offensive were magnified; the expulsion of the British army from Boston had been long since anticipated by many; and those were not wanting who insinuated that the commander-in-chief was desirous of prolonging the war, in order to continue his own importance.

Congress having manifested dispositions favorable to an attack on Boston, General Washington continued to direct his utmost efforts to that object. In January, 1776, a council of war resolved, "that a vigorous attempt ought to be made on the ministerial troops in Boston, before they can be reinforced in the spring, if the means can be provided, and a favorable opportunity should offer;" and for this purpose that thirteen regiments of militia should be required from Massachusetts and the neighboring colonies. The colonies complied with this requisition; but such was the mildness of the early part of the winter, that the waters continued open, and of course impassable.

Late in February, appearances among the British troops indicated an intention to evacuate Boston. But as these appearances might be deceptive, General Washington determined to prosecute a plan which must force General Howe either to come to an action or abandon the town.

Since the allowance of a bounty, recruiting had been more successful, and the regular force had been augmented to fourteen thousand men. The commander-in-chief had also called to his aid six thousand militia. Thus reinforced, he determined to take possession of the heights of Dorchester and fortify them. As the possession of this post would enable him to annoy the ships in the harbor, and the soldiers in the town of Boston, he was persuaded that a general action would ensue. Should this hope be disappointed, his purpose was to make the works on the heights of Dorchester preparatory to seizing and fortifying other points which commanded the harbor, a great part of the town, and the beach from which an embarkation must take place in the event of a retreat.

To facilitate the execution of this plan, a heavy bombardment and cannonade were commenced on the British lines on the second of March, which were repeated on the succeeding nights. On the east of them a strong detachment, under the command of General Thomas, took posses-

sion of the heights, and labored with such persevering activity through the night, that the works were sufficiently advanced by the morning nearly to cover them.

It was necessary to dislodge the Americans or to evacuate the town, and General Howe determined to embrace the former part of the alternative. Three thousand chosen men commanded by Lord Percy embarked, and fell down to the castle, in order to proceed up the river to the intended scene of action, but were scattered by a furious storm. Before they could be again in readiness for the attack, the works were made so strong that the attempt to storm them was thought unadvisable, and the evacuation of the town became inevitable.

This determination was soon known to the Americans. A paper signed by some of the selectmen, and brought out by a flag, communicated the fact. This paper was accompanied by propositions said to be made by General Howe, relative to the security of the town and the peaceable embarkation of his army. The advances of the American troops were discontinued, and considerable detachments were moved toward New York before the actual evacuation of Boston. That event took place on the seventeenth of March, 1776; and in a few days the whole fleet sailed out of Nantasket road, directing its course eastward; immediately after which the American army proceeded by divisions to New York, where it arrived on the fourteenth of April.*

Washington and the continental army were received with enthusiasm by the inhabitants of Boston. The legislature of Massachusetts presented the commander-in-chief with an address, congratulating him on the successful result of the siege of Boston, and expressing their obligations for the great services he had rendered to his country. The continental Congress also passed a unanimous vote of thanks to him, and a gold medal was ordered to be struck commemorative of the evacuation of Boston, and as an honorable token of the public approbation of his conduct.

General Howe, with the British army of about ten thousand men, and one thousand refugees or tories, sailed for Halifax in seventy-eight ships and transports; but anxious for the safety of New York, and apprehensive that the British commander might have concealed his real designs and directed his course to that important point, the American commander-in-chief had directed the march of his army to New York, as already stated. They went by land to Norwich, Connecticut, and thence by water through Long Island sound. When it was ascertained that the British fleet had put to sea, ten days after the evacuation of Boston, Washington set off for New York, passing through Providence, Norwich, and New London. At Norwich he had an interview with Governor Trumbull who came there to meet him. On the thirteenth of April he arrived in New York.†

General Washington found it impracticable, or inconsistent with his du-

* Marshall. † Sparks.

ties to carry out his original design of visiting his family at Mount Vernon in the winter, and attending for a short space to his private affairs. Mrs. Washington therefore joined him at headquarters at Cambridge, in December, 1775, where she remained till the next spring. This was her practice during the war. She passed the winters with her husband in camp, and returned at the opening of the campaigns to Mount Vernon.

His large estates were consigned to the care of a superintendent, Mr. Lund Washington, who executed the trust with diligence and fidelity. Notwithstanding the multitude of public concerns, which at all times pressed heavily, and which he never neglected, the thoughts of General Washington constantly reverted to his farms. In the midst of the most stirring events of the war, he kept up an unremitted correspondence with his manager, in which he entered into details, gave minute instructions, and exacting reports, relating to the culture of his lands, and every transaction of business. From the beginning to the end of the revolution, Lund Washington wrote to the general, as often at least as two or three times a month, and commonly every week, detailing minutely all the events that occurred on the plantation. These letters were regularly answered by the general, even when the weight and embarrassment of public duties pressed heavily upon him.

An extract from one of his letters to Lund Washington on these topics, dated December, 1775, will show a trait of character, and the footing on which he left his household at Mount Vernon.

"Let the hospitalities of the house, with respect to the poor, be kept up. Let no one go hungry away. If any of this kind of people should be in want of corn, supply their necessities, provided it does not encourage them in idleness; and I have no objection to your giving my money in charity, to the amount of forty or fifty pounds a year, when you think it well bestowed. What I mean by having no objection is, that is my desire that it should be done. You are to consider, that neither myself nor wife is now in the way to do these good offices. In all other respects, I recommend it to you, and have no doubt of your observing the greatest economy and frugality; as I suppose you know, that I do not get a farthing for my services here, more than my expenses. It becomes necessary, therefore, for me to be saving at home."*

To detail all the operations of Washington in public affairs in the years which followed would be to repeat the history of the war of the American revolution, and, of course, greatly exceed the limits of the part of this work allotted to a memoir of his life. We can therefore only allude to the prominent events with which his personal history was connected during that eventful period, following him rapidly in his movements, until peace and the acknowledgment of American independence by Great Britain crowned his efforts in the cause of his country.

* Sparks.

The evacuation of Boston varied the scene, but did not lessen the labors of Washington. Henceforward, he had a much more formidable enemy to contend with. The royal army in Boston was, on a small scale, calculated to awe the inhabitants of Massachusetts into obedience, but the campaign of 1776 was opened in New York with a force far exceeding anything hitherto seen in America. Including the navy, as well as the army, it amounted to fifty-five thousand men, and was calculated on the idea of reducing the whole united colonies. The operations contemplated could be best carried on from the central province of New York, and the army could be supplied with provisions from the adjacent islands, and easily defended by the British navy. For these reasons, the evacuation of Boston, and the concentration of the royal forces at New York, had been for some time resolved upon in England.

The reasons that had induced the British to gain possession of New York, weighed with Washington to prevent or delay it. He had therefore, as already stated, detached largely from his army before Boston, and sent General Lee to take the command, following the main army himself immediately after the evacuation, and departure of the British army from Boston; and he now made every preparation in his power for the defence of New York. Considerable time was allowed for this purpose, in consequence of the delay of General Howe at Halifax, where that officer waited for promised reinforcements from England.*

Besides the preparations for defence against the British army, Washington had to guard against the numerous disaffected persons and tories, or American loyalists on Long island, Staten island, and in the city of New York. By the persevering representations of Washington, Congress adopted measures for the apprehension of this class of enemies to the American cause. Many tories were apprehended in New York and on Long island; some were imprisoned, others disarmed. A deep plot originating with the British governor Tryon, who continued on board a vessel at the Hook, was defeated by a timely and fortunate discovery. His agents were found enlisting men in the American camp, and enticing them with rewards. The infection spread to a considerable extent, and even reached the general's guard, some of whom enlisted. A soldier of the guard was found guilty by a court-martial and executed. It was a part of the plot to seize General Washington and convey him to the enemy.†

General Howe, with a part of the British fleet and army arrived at the hook from Halifax, in the latter part of June, and took possession of Staten island. The general then awaited the arrival of his brother Lord Howe, who was on his way from England with another fleet, and proposals from the British ministry for an accommodation to be offered to the Americans, before hostilities should be renewed.

* Ramsay. † Sparks.

General Washington had visited Philadelphia in the month of May, for the purpose of advising with Congress on the state of affairs and concerting arrangements for the campaign. He was absent fifteen days, examining on his way, Staten island and the Jersey shore, with the view of determining the proper places for works of defence. He seems to have been disappointed and concerned at dissensions in Congress which portended no good to the common cause. It was known, from late proceedings in parliament, that commissioners were coming out from England with proposals of accommodation. In a letter to his brother, dated at Philadelphia, May 31, 1776. Washington expresses his gratification that the Virginia convention had passed a vote with great unanimity, recommending to Congress to declare the united colonies free and independent states. "Things have come to such a pass now," he writes, "as to convince us, that we have nothing more to expect from the justice of Great Britain; also that she is capable of the most delusive arts; for I am satisfied that no commissioners were ever designed, except Hessians and other foreigners; and that the idea was only to deceive and throw us off our guard. The first has been too effectually accomplished; as many members of Congress, in short, the representation of whole provinces, are still feeding themselves upon the dainty food of reconciliation; and though they will not allow that the expectation of it has any influence upon their judgment with respect to their preparations for defence, it is but too obvious that it has an operation upon every part of their conduct, and is a clog to their proceedings. It is not in the nature of things to be otherwise; for no man that entertains a hope of seeing this dispute speedily and equitably adjusted by commissioners, will go to the same expense and run the same hazards to prepare for the worst event, as he who believes that he must conquer, or submit to unconditional terms, and the concomitants, such as confiscation, hanging, and the like."

Notwithstanding the hesitancy of some of the members of Congress, there was still a large majority for vigorous action; and while he was there, they resolved to reinforce the army at New York, with thirteen thousand eight hundred militia, drawn from Massachusetts, Connecticut, New York, and New Jersey; and a flying camp of ten thousand more, from Pennsylvania, Maryland, and Delaware.*

The Declaration of Independence by Congress, on the fourth of July, 1776, was received by General Washington, and read to the troops under his command on the ninth, at six o'clock in the evening; the regiments being paraded for the purpose. The document was read in the hearing of all, and received with the most hearty demonstrations of joy and satisfaction. In the orders of the day it was said, "The general hopes that this important event will serve as a fresh incentive to every officer and soldier to act with fidelity and courage, as knowing, that now the peace and

* Sparks.

safety of his country depend, under God, solely on the success of our arms, and that he is now in the service of a state possessed of sufficient power to reward his merit, and advance him to the highest honors of a free country."

Lord Howe arrived at Staten island on the twelfth of July, joining his brother, the general, with the expected additional forces from England. The command of the fleet had been conferred upon the former, and both the brothers were commissioners for restoring peace to the colonies. Lord Howe was not deterred by the declaration of independence from trying the influence of his powers for pacification, although he regarded the declaration as a circumstance unfavorable to the success of his mission. He sent on shore a circular letter, dated off the coast of Massachusetts addressed severally to the late governors under the crown (whom he supposed to be still in power), enclosing a declaration which he requested them to make public. It announced his authority to grant pardons, and to declare any colony or place under the protection of the king. Assurances were also given that the meritorious services of all persons who would aid in restoring tranquillity in the colonies would be duly considered.

These papers were transmitted by the commander-in-chief to Congress who directed their publication, that the people "might be informed of what nature were the commissioners, and what the terms with the expectation of which the insidious court of Britain had sought to amuse and disarm them."

About the same time Lord Howe despatched a letter to General Washington by a flag, which the general refused to receive, as it did not acknowledge the public character with which he was invested, being directed "*To George Washington, Esq.*" The course pursued was approved by Congress, and a resolve was passed, that in future no letters should be received from the enemy, by commanders in the American army which should not be directed to them in the characters they sustained. A few days afterward General Howe wrote to Washington, repeating the same superscription as had been used by his brother. This letter was likewise refused, but an explanation took place through an interview between Colonel Patterson, adjutant-general of the British army and General Washington. General Howe was induced to change his superscription, and from that time all letters addressed by the British commanders to General Washington bore his proper titles.

In the conference between Washington and Colonel Patterson, the adjutant-general observed that "the commissioners were armed with great powers, and would be very happy in effecting an accommodation." General Washington replied "that from what appeared, these powers were only to grant pardons; that they who had committed no fault wanted no pardon."

General Howe, perceiving that all attempts at conciliation were hope-

less, prepared for the operations of the campaign. He however, delayed for some time active measures, as he was still waiting for further reinforcements. This period was employed by Washington in strengthening his works on New York island. Fort Washington, on an eminence in the north part of the island, on the east bank of the Hudson, and Fort Lee, on the opposite shore in New Jersey, were commenced, and between these forts the channel of the river was obstructed by hulks of vessels and chevaux-de-frise. Batteries were erected on the margins of the North and East rivers — redoubts were thrown up at different places, and the island generally placed in a state of defence

The British reinforcements had all arrived by the middle of August, and the aggregate of their army was estimated at over twenty-four thousand men. To this army, aided in its operations by a numerous fleet, was opposed the American army, a force unstable in its nature, incapable from its structure of receiving discipline, and inferior to the enemy in numbers, in army, and in every military equipment. In a letter dated the 8th of August, General Washington stated his army consisted of only seventeen thousand, two hundred and twenty-five men, of whom three thousand, six hundred and sixty-eight were sick. This force was rendered the more inadequate to its objects by being necessarily divided for the defence of posts, some of which were fifteen miles distant from others, with navigable waters between them. The army was soon afterward reinforced by regulars and militia, which augmented it to twenty-seven thousand men, of whom one fourth were sick. The diseases incident to new troops prevailed extensively, and were aggravated by a deficiency of tents.

The American troops were so judiciously distributed on York island, Long island, Governor's island, Paulus Hook, and on the sound toward New Rochelle, East and West Chester, that the enemy were very cautious in determining when or where to commence offensive operations. Every probable point of embarkation was watched, and guarded with a force sufficient to embarrass, though very insufficient to prevent a landing. From the arrival of the British army at Staten island, the Americans were in daily expectation of being attacked. General Washington was therefore strenuous in preparing his troops for action. He tried every expedient to kindle in their breasts the love of their country, and a high tone of indignation against its invaders. Thus did he, by infusing into every bosom those sentiments which would stimulate to the greatest individual exertion, endeavor to compensate for the want of arms, of discipline, and of numbers.

Early in the morning of the twenty-second of August, the principal part of the British army landed on Long island, under cover of the guns of the fleet; and extended their line from the Narrows, through Utrecht and Gravesend, to the village of Flatbush. On the twenty-seventh, the fifth day after landing, a general action took place between the two armies; the

Americans on Long island, then commanded by General Putnam, being attacked by the British army, under General Clinton. The variety of ground, and the different parties employed in different places, both in the attack and defence, occasioned a succession of small engagements, pursuits, and slaughter, which lasted for many hours.

The Americans were defeated in all directions. The circumstances which eminently contributed to this, were the superior discipline of the assailants, and the want of early intelligence of their movements. There was not a single corps of cavalry in the American army. The transmission of intelligence was of course always slow, and often impracticable. From the want of it, some of their detachments, while retreating before one portion of the enemy, were advancing toward another, of whose movements they were ignorant.

In the height of the engagement Washington passed over to Long island, and with infinite regret saw the slaughter of his best troops, but had not the power to prevent it; for had he drawn his whole force to their support he must have risked everything on a single engagement. He adopted the wiser plan of evacuating the island, with all the forces he could bring off. In superintending this necessary, but difficult and dangerous movement, and the events of the preceding day, Washington was indefatigable. For forty-eight hours he never closed his eyes, and was almost constantly on horseback. In less than thirteen hours the field artillery, tents, baggage, and about nine thousand men, were conveyed from Long island to the city of New York, over the East river, and without the knowledge of the British, though not six hundred yards distant. The darkness of the night and a heavy fog in the morning, together with a fair wind after midnight, favored this retreat. It was completed without interruption some time after the dawning of the day.*

The loss of the Americans at the battle of Long island, was twelve hundred men, about a thousand of whom were captured. The loss of the British was less than four hundred.

Immediately after the success of the British arms on Long island, Admiral Lord Howe, as one of the king's pacificators, made another attempt at negotiation. He admitted General Sullivan, who had been taken prisoner, to his parole, and sent him to Philadelphia with a verbal message to Congress, the purport of which was, that although not authorized to treat with Congress as such, it being an illegal assembly, yet he was desirous of conferring with some of its members as private gentlemen only, whom he would meet at any place they might appoint. To this Congress sent a reply by General Sullivan, refusing to authorize any of their body to confer with his lordship in their private capacity; but saying that they would send a committee to inquire into his authority to treat with persons authorized by Congress, and to hear his propositions for peace. Instructions

* Ramsay.

were at the same time sent to General Washington by Congress, that no propositions for peace ought to be received, unless directed in writing to the representatives of the United States; and to inform those who might make application for a treaty, that Congress would cheerfully conclude a treaty of peace whenever such should be proposed to them as representatives of an independent people.

Doctor Franklin, John Adams, and Edward Rutledge, were appointed by Congress to confer with Lord Howe, whom they met for that purpose on Staten island. As Lord Howe declined conferring with the committee except as private gentlemen, he being unauthorized to recognise Congress as a legal body, the conference terminated without effecting anything. The commissioners absolutely refused to entertain any propositions except they were made to them as the representatives of a free and independent people. The interview was therefore closed, with the understanding, that war or absolute independence were the only alternatives the Americans chose to recognise.

General Howe now took measures to drive the Americans out of the city of New York. He made preparations to have troops landed from the ships on opposite sides of the upper part of the island, while the main body of the fleet entered the harbor, and took a position nearly within cannon-shot of the city. By this arrangement the Americans would be hemmed in, and be compelled to evacuate the city, or suffer the privations and dangers of a siege.

Viewing these preparations of the British commander with alarm, Washington called a council of war, on the twelfth of September, sixteen days after the battle of Long island, and recommended an immediate withdrawal of the troops. This measure was finally determined upon, and with great activity the Americans commenced removing the artillery and stores far above the city, to Dobb's ferry on the western shore of the Hudson. The commander-in-chief retired to the heights of Harlem, and a force of nine thousand men was stationed at Mount Washington, King's bridge, and other posts in the vicinity, while about five thousand remained near the city. The residue were placed between these extreme points, to act at either place as occasion might require.

On the fifteenth, a division of the British army, landed at Kipp's bay on the East river, three miles above the city, and attacked the American batteries erected there. The troops stationed at this place fled with precipitation, without waiting for the approach of the enemy. Two brigades were put in motion to support them. General Washington rode to the scene of action, and to his great mortification met the whole party retreating. While he was exerting himself to rally them, on the appearance of a small corps of the enemy, they again broke and ran off in disorder. Such dastardly conduct raised a tempest in the usually tranquil mind of Washington. He viewed with infinite concern this behavior of his troops, as threatening

ruin to his country. His soul was harrowed up with apprehensions that his country would be conquered, her army disgraced, and her liberties destroyed, while the unsuccessful issue of the present struggle would, for ages to come, deter posterity from the bold design of asserting their rights. Impressed with these ideas, he hazarded his person for some considerable time in the rear of his own men, and in front of the enemy, with his horse's head toward the latter, as if in expectation that, by an honorable death, he might escape the infamy he dreaded from the dastardly conduct of troops in whom he could place no dependence. His aids, and the confidential friends around his person, by indirect violence, compelled him to retire. In consequence of their address and importunity, a life was saved for public service, which otherwise, from a sense of honor and a gust of passion, seemed to be devoted to almost certain destruction.*

The troops referred to continued their retreat, until they reached the main body of the army at Harlem heights. The division in or near the city, under the command of General Putnam, retreated with great difficulty, leaving behind them their heavy artillery, and a large portion of the baggage, provisions, and military stores, including the tents, which had not been removed. The loss of the tents was severely felt by the army, at the approach of winter. Fifteen of the Americans were killed, and three hundred taken prisoners. The British army entered the city without much loss and took formal possession of it, to the great joy of the tories; but they had hardly become quiet before a fire broke out, which raged until it had destroyed about a third of the city.

General Howe having organized a temporary government, and left some troops in the city, marched with the main body of his army up York island and encamped near the American lines in front of Harlem heights. The British lines extended across the island, while their shipping defended their flanks. Washington had made his strongest post at King's bridge, as that preserved his communication with the country. On the day after the retreat from New York, a skirmish took place between advanced parties of both armies, in which the Americans gained a decided advantage, though with the loss of two gallant officers, Colonel Knowlton of Connecticut, and Major Leitch of Virginia. This was the first advantage the army under the command of Washington, had gained in the campaign. Its influence on the army was great, and the general gave public thanks to the troops engaged therein.

On the twenty-second of October, Washington fell back to White Plains in Westchester county, and on the twenty-eighth, a partial action was fought there, which resulted in the repulse of the Americans, with some loss. Washington retired to Northcastle, five miles farther north, and Howe discontinued further pursuit, directing his attention to the American posts on the Hudson river. Forts Washington and Lee, were taken by

* Ramsay.

the British army in November, the garrison in the former, consisting of nearly three thousand men, surrendering as prisoners-of-war, and the British losing about a thousand men in the assault. The garrison in Fort Lee made a hasty retreat and joined the main army, leaving behind them their cannon, tents, and stores, which fell into the hands of the victors.

It having become evident to General Washington, that General Howe had changed his plan of operations, and designed an invasion of New Jersey, he crossed the North river with the American army, and, retreating before Lord Cornwallis, who had entered New Jersey with six thousand men, he took post along the Hackensack river. His situation there was nearly similar to that which he had abandoned; for he was liable to be enclosed between the Hackensack and Passaic rivers. He therefore, on the approach of the enemy, passed over to Newark, on the west side of the latter river, where he stood his ground some days; but being incapable of any effectual opposition, he retreated to New Brunswick, on the day Lord Cornwallis entered Newark. At New Brunswick, Washington kept his troops in motion, and even advanced a detachment, as if intending to engage the enemy. Nor did he quit this position till their advanced guards were in sight. He then retreated toward Trenton, pursuing a route near the Raritan river, that he might be in the way to prevent General Howe from throwing in a strong detachment between him and Philadelphia. Although this retreat was effected without loss from the enemy, the small force which began it was daily lessening, by the expiration of the term of service for which they were engaged. This terminated in November with many, and in December, with nearly two thirds of the residue. No persuasions were availing to induce their continuance. They abandoned their general, when the advancing enemy was nearly in sight. General Lee who commanded the eastern troops at White Plains, was ordered by Washington to cross the North river, and join the retreating army in New Jersey. Lee was so tardy in obeying the order, that he was three weeks reaching Morristown. While on his march he lodged one night at a house about three miles from camp, where he was taken prisoner by a company of British light-horse. The command of his division devolved on General Sullivan, who marched it to the main army. Four regiments under General Gates, soon after arrived from Ticonderoga. These forces with others, joined Washington, after he had crossed the Delaware with his army of about three thousand men, which he accomplished on the seventh of December. The enemy did not attempt to cross the river, General Howe contenting himself with having overrun New Jersey. It was however expected, that, as soon as the ice should become sufficiently strong, the enemy would cross the Delaware, and bring all their force to bear upon Philadelphia. Anticipating this event, Congress adjourned to Baltimore; and General Putnam who took the command of

the militia in Philadelphia, was instructed to prepare for an obstinate defence of that city.

In this very dangerous crisis, and which may be considered the most gloomy period of the war, Washington made every exertion to procure reinforcements. These exertions were in a great measure unavailing, except in and near Philadelphia. Fifteen hundred of the citizens of that metropolis marched to the aid of Washington. The American army now amounted to about seven thousand men, after the arrival of the forces under Sullivan and Gates. The two armies were separated from each other by the river Delaware. The British in the security of conquest, cantoned their troops in Burlington, Bordentown, Trenton, and other towns of New Jersey. On receiving information of their numbers and different cantonments, Washington observed—"Now is the time to clip their wings, when they are so spread." Yielding to his native spirit of enterprise, which had hitherto been repressed, he formed the bold design of recrossing the Delaware, and attacking the British posts on its eastern banks.*

In a letter to Joseph Reed, dated Bristol, Pennsylvania, December 23, 1776, Washington thus discloses his designs:—

"Christmas-day, at night, one hour before day, is the time fixed upon for our attempt on Trenton; our numbers, sorry am I to say, being less than I had any conception of, but necessity, dire necessity, will, nay must, justify an attack."

The desperate situation of the American cause at this time is thus alluded to by him, in a letter to his brother, John Augustine Washington, dated, December 18, 1776:—

"We were obliged to cross the Delaware with less than three thousand men fit for duty; the enemy's numbers, from the best accounts, exceeding ten or twelve thousand men.

"Since I came on this side, I have been joined by about two thousand of the city militia, and I understand that some of the country militia are on their way; but we are in a very disaffected part of the province, and, between you and me, I think our affairs are in a very bad condition.

"You can form no idea of the perplexity of my situation. No man, I believe, ever had a greater choice of difficulties, and less means to extricate himself from them. However, under a full conviction of the justice of our cause, I can not entertain an idea that it will finally sink, though it may remain for a time under a cloud."

In the evening of Christmas-day, General Washington made arrangements for passing over the Delaware, in three divisions. At Trenton were three regiments of Hessians, amounting to about fifteen hundred men, and a troop of British light-horse. Small detachments of the British army were stationed at Bordentown, Burlington, Black Horse, and Mount Holly. General Cadwallader was to cross at Bristol, and attack the latter

* Ramsay.

posts; General Ewing was to cross a little below Trenton, to intercept the retreat of the enemy in that direction, while the commander-in-chief, with twenty-four hundred continental troops, should cross nine miles above Trenton, to make the principal attack. But Generals Cadwallader and Ewing were unable to pass, from the quantity of floating ice which obstructed the boats. The division commanded by Washington, accompanied by Generals Greene, Sullivan, Stirling, Mercer, and St. Clair, alone succeeded. These troops began to cross early in the evening, but were so retarded by ice, that it was nearly four o'clock in the morning of the twenty-sixth, before the whole body with the artillery, was landed on the New Jersey bank of the river. They were formed in two divisions, and marched by different roads to Trenton, where they arrived within three minutes of each other, about eight o'clock in the morning. They met with but slight opposition, except from two or three pieces of artillery which were soon taken. The surprised Hessians attempted a retreat to Princeton, but were intercepted, and, finding themselves surrounded, soon laid down their arms and surrendered as prisoners-of-war. Between thirty and forty Hessians, among whom was Colonel Rahl, their commander, were killed. The American loss was two privates killed, and two others frozen to death. Captain William Washington, distinguished at a later period of the war as an officer of cavalry, and Lieutenant James Monroe, afterward president of the United States, were wounded in taking the enemy's artillery. The number of prisoners was nearly one thousand, and the trophies of victory were six brass field-pieces, a thousand stand of arms, and considerable ammunition. The British light-horse, and about five hundred Hessians, escaped at the beginning of the action and fled to Bordentown, where they joined the British and Hessian troops in that vicinity and all retreated to Princeton; thus the whole line of the enemy's encampments on the Delaware was broken up. It was thought most prudent by Washington to recross the Delaware, with all his prisoners and military stores, on the same day, which he accomplished the same evening, and gained his encampment on the Pennsylvania side.

This brilliant exploit of Washington, and unexpected success of the continental troops under his command, electrified the American people, particularly those of the middle states, who were either desponding or disaffected at the aspect of affairs, before the tables were turned by this fortunate event. The British generals, Howe and Cornwallis, were astonished and bewildered at this display of vigor on the part of the American general. Previous to this affair at Trenton, New Jersey appeared to be subdued, Pennsylvania was supposed to be anxious for British pardon, and instead of offensive operations, the total dispersion of the small remnant of the American army was confidently anticipated. Finding that he was contending with an adversary who could never cease to be formidable, and that the conquest of America was more distant than had been sup-

posed, Gen. Howe determined, in the depth of winter, to commence active operations. Lord Cornwallis, who had retired to New York, with the intention of embarking for England, returned to New Jersey in great force, for the purpose of recovering the ground which had been lost. The British army was assembled at Princeton, with the design of making an attack upon the Americans under Washington, who had again crossed the Delaware, and taken post at Trenton, determined to act on the offensive, after being joined by considerable reinforcements of regulars and militia.

Lord Cornwallis advanced on the morning of the second of January, 1777, and his van reached Trenton the same afternoon. On its approach, General Washington retired across the creek which runs through the town. The British finding the fords of the creek well guarded, desisted from attempts to cross, and kindled their fires. The Americans kindled their fires likewise, and a cannonade was kept up till dark.

The situation of General Washington was once more extremely critical. The passage of the Delaware was rendered difficult by the ice, and if he remained at Trenton, an attack on the following morning, by an overwhelming force seemed certain, which must render the destruction of his army inevitable. In this embarrassing state of things, he formed the bold design of abandoning the Delaware, and marching by a circuitous route along the left flank of the British army, into its rear at Princeton; and, after beating the troops at that place, to move rapidly on Brunswick, where the baggage, and principal magazines of the British army lay, under a weak guard.*

This plan being approved by a council of war, Washington silently withdrew his army from Trenton, favored by the darkness of the night, while the enemy were at rest; leaving a few of his men at work with pickaxes, and the camp-fires kindled, for the purpose of deceiving the British into the belief that the Americans were throwing up intrenchments. Before dawn these men left their work and hastened to join the American army who were then on a rapid march toward Princeton, where three British regiments had encamped the preceding night. Two of these regiments commencing their march toward Trenton, early in the morning to join the rear of their army, met the Americans, a mile and a half from Trenton. The morning being foggy, the enemy at first mistook the Americans for Hessians, but the mistake was soon discovered, and a smart skirmish ensued. The British commander sent to Princeton for the other regiment, which was soon on the spot, and after a battle of more than an hour, the American militia gave way in disorder. General Mercer, attempting to rally them, was mortally wounded. Washington pushed forward at the head of his division and rallied the flying troops, who encouraged by his example made a stand, and compelled the British to retreat in various directions. In the course of the engagement, one hundred of the

* Marshall.

enemy were killed and wounded, and about three hundred taken prisoners. The rest made their escape; some by pushing on to Trenton, others by returning to Brunswick. The American loss was about one hundred.

At break of day, Lord Cornwallis perceived, to his great astonishment, that the Americans had deserted their camp at Trenton, and at once penetrating the designs of Washington upon New Brunswick, marched hastily toward that place to protect his stores there, and was close in the rear of the Americans, before they could leave Princeton. General Washington, finding his army exhausted with fatigue and closely pursued by a superior force, abandoned the remaining part of his original plan, and took the road leading up the country to the north. Lord Cornwallis continued his march to Brunswick, and Washington retired to Morristown, where he established his headquarters. Having given his army some repose, he entered the field again in an offensive attitude, and in a short time overran the whole country as far as the Raritan to the south. He also took possession of Newark, Elizabethtown, and Woodbridge. The British army, meanwhile, was restricting its operations to a small part of New Jersey.

The victories at Trenton and Princeton produced the most extensive effects, and had a decided influence on subsequent events. Philadelphia was saved for that winter, New Jersey was mostly recovered from the enemy, and the drooping spirits of the Americans were revived. Their gloomy apprehensions yielded to a confidence in their general and their army, and in the ultimate success of their struggles for liberty and independence.

Gen. Washington had been invested by Congress a few days before the successful affair at Trenton, with additional and extraordinary powers as commander-in-chief, which additional powers were conferred on him for a period of six months, and the wisdom of the measure was soon seen and felt by the favorable turn of American affairs. After the recent successes he hoped that his country would have placed at his disposal a large and efficient army, to enable him to undertake decisive operations before reinforcements to the British army should arrive in the ensuing spring. Congress, at his instance passed the requisite resolutions; but these could not be carried into effect, without the aid of the state legislatures. The recruiting service was therefore retarded by the delays consequent upon the action of thirteen legislative bodies, and Washington with infinite reluctance, was obliged to give up his favorite project of an early active campaign. The remainder of the winter season passed over in a light war of skirmishes. They were generally in favor of the Americans; but Washington's views were much more extensive; he cherished hopes of being enabled to strike a decisive blow against the British forces during the winter, but being disappointed, he went into winter-quarters with the main army, at Morristown. Cantonments were likewise established at various

points from Princeton on the right, where General Putnam commanded, to the Highlands on the left, which post continued under the charge of General Heath. The first care of General Washington, after putting the troops in winter-quarters, was drawn to the completion of the army for the next campaign; and he wrote circular letters to the governors of the middle and eastern states, urging them to adopt prompt and effectual methods for raising recruits, and filling up their regiments. To stimulate the activity of the states, by reiterated representations to their governors and legislatures, by argument, persuasion, and appeals to every motive of pride, honor, and patriotism, was the task which he was obliged to repeat every winter; and this was a source of increasing anxiety, from the time the troops went into winter-quarters, till they again took the field to combat the enemy. Congress, embarrassed by the indefinite nature of their powers deliberated with caution, and were seldom ready to act in military affairs, till incited by the counsels or earnest entreaties of the commander-in-chief.*

As the recruits for the American army were collected, the camp at Morristown was broken up, and the army assembled on the twenty-eighth of May, 1777, at Middlebrook, in New Jersey, ten miles from Brunswick. The exertions made during the winter by the commander-in-chief, to raise a powerful army for the ensuing campaign, had not been successful. On the twentieth of May, the total of the army in New Jersey, excluding cavalry and artillery, amounted only to eight thousand, three hundred and seventy-eight men, of whom upward of two thousand were sick, and more than half were raw recruits. Anticipating a movement of the British army toward Philadelphia, Washington had given orders for assembling an army of militia, with a few continental troops, on the western bank of the Delaware, to be commanded by General Arnold. The primary objects to which Washington directed his attention in this campaign, were to endeavor to prevent the British from obtaining possession of Philadelphia, or the Highlands on the Hudson river, and he made such an arrangement of his troops as would enable him to oppose either. The northern troops were divided between Ticonderoga, and Peekskill, while those from New Jersey, and other middle states, were encamped at Middlebrook.

On the twelfth of June, General Howe assembled the main body of his army at Brunswick, in New Jersey, and gave strong indications of an intention to reach Philadelphia by land. The American army under Washington, was now swelled to about fourteen thousand. Howe feigned a design to cross the Delaware by making toward that river, but failing to draw Washington into a general engagement, by his various manœuvres, he withdrew his forces to Amboy, and passed over to Staten island, leaving the Americans in quiet possession of New Jersey. Having abandoned the idea of forming a junction with General Burgoyne, who, having

* Sparks.

arrived from England with a powerful army, was invading the northern states by way of Canada, General Howe turned his attention toward Philadelphia. He resolved to proceed to that city by way of the Chesapeake bay, and accordingly embarked at Staten island, with about eighteen thousand troops, on board of the British fleet under Lord Howe. He left General Sir Henry Clinton, with a large force to defend New York, and in the latter part of July appeared off the capes of Delaware; but the fleet suddenly again put to sea, and its destination was for some time a matter of uncertainty to the Americans. In the meanwhile, Washington marched the main body of his army to Germantown, to await certain information respecting the movements of General Howe. During his suspense, he took an opportunity of conferring with committees of Congress, at Philadelphia, and it was at this time that he had his first interview with the Marquis de Lafayette, on his arrival from France, to offer his services to the Americans. Congress appointed the marquis a major-general in the army, and he was invited by General Washington to become a member of his military family, which position he maintained during the war.

The British fleet having sailed up the Chesapeake, reached Elk river on the twenty-fifth of August, where the troops, under Gen. Howe were landed, and commenced their march toward Philadelphia. The day before the landing of the British, the American army marched through Philadelphia, toward Wilmington, in Delaware. Advance parties from each army soon met, and several skirmishes took place.

As the British army approached, Washington took post on the river Brandywine, and awaited the attack of the enemy. A general action took place early on the eleventh of September, which continued all day, and terminated in favor of the British, who remained in possession of the field of battle, while the Americans retreated to Chester, and the following day to Philadelphia.

The British force in this engagement, was stated at about eighteen thousand; that of the Americans a little over eleven thousand. The American loss in killed, wounded, and prisoners, was over a thousand; that of the British was less than six hundred.

Washington made every exertion to repair the loss which had been sustained. The battle of Brandywine was represented as not being decisive. Congress and the people wished to hazard a second engagement, for the security of Philadelphia; General Howe sought for it, and Washington did not decline it. He therefore advanced on the Lancaster road, with an intention of meeting the British army. Both armies were on the point of engaging, but were prevented by a violent storm. When the rain ceased, the Americans finding that their ammunition was ruined, withdrew to a place of safety. The British instead of urging an action, afterward began to march toward Reading. To save the stores at that place, Washington took a new position, and left the British in undisturbed possession

of the roads which led to Philadelphia. His troops were worn down with a succession of severe duties. There were in his army above a thousand men who were barefooted, and who had performed all their late movements in that condition.

Though Washington had failed in his object of saving Philadelphia, yet he retained the confidence of Congress and the states. With an army inferior in numbers, discipline, and equipments, he had delayed the British army thirty days in advancing sixty miles through an open country, without fortifications.

The British army entered Philadelphia, on the twenty-sixth of September, and pushed forward to Germantown. Congress had previously adjourned to Lancaster. While the British camp at Germantown was weakened by detachments sent against the American forts on the Delaware, Gen. Washington, having received considerable reinforcements to his army, resolved to attack the enemy in their encampment. Accordingly, in the evening of the third of October, the Americans advanced in four divisions, and after a march of fourteen miles to Germantown, at daybreak the next morning took the British by surprise. A battle commenced, and for a time victory seemed to incline to the Americans; but finally, after a severe action, they were repulsed with great slaughter, losing about eleven hundred men, in killed, wounded, and prisoners. The British loss was not more than half that number. General Howe shortly after evacuated Germantown, and concentrated his forces at Philadelphia, where the British army under his command took up their winter-quarters. Howe at first directed his attention to the opening of the navigation of the Delaware river, which had been obstructed by many ingenious contrivances placed there by the Americans. This task employed the British for more than six weeks; and after a great display of gallantry on both sides, it was finally accomplished.

When the Delaware was cleared, and there was a free inland communication for the British between Philadelphia and New York, Gen. Howe determined to close the campaign by an attack upon Washington, then stationed at Whitemarsh, about eleven miles from Philadelphia. On the night of the fourth of December, Howe marched out of the city and took post upon Chestnut Hill, in front of the American army, which had been reinforced by detachments from the northern army. Finding Washington's position too strong to risk a general attack, after a few days' skirmishing, Howe fell back upon Philadelphia.

While the British arms were successful on the banks of the Delaware, intelligence arrived that General Burgoyne and the British army of the north, had surrendered prisoners-of-war, to the American northern army under General Gates. This event took place at Saratoga, in the state of New York, on the seventeenth of October. On the receipt of this important information, General Washington took measures to obtain large

reinforcements to the forces under his immediate command, from the victorious troops of the north. He therefore deputed one of his aids, Colonel Alexander Hamilton, to wait on General Gates, and communicate his wishes to that officer. In his letter of instructions to Hamilton, General Washington writes as follows, under date of October 30, 1777 :—

"It has been judged expedient by the members of a council of war held yesterday, that one of the gentlemen of my family should be sent to General Gates, in order to lay before him the state of this army, and the situation of the enemy, and to point out to him the many happy consequences that will accrue from an immediate reinforcement being sent from the northern army. I have thought proper to appoint you to that duty, and desire that you will immediately set out for Albany.

"What you are chiefly to attend to is, to point out to General Gates the absolute necessity that there is for his detaching a very considerable part of the army, at present under his command, to the reinforcement of this; a measure that will, in all probability, reduce General Howe to the same situation in which General Burgoyne now is, should he attempt to remain in Philadelphia.

"I have understood that General Gates has already detached Nixon's and Glover's brigades to join General Putnam.* If this be a fact, you are to desire General Putnam, to send the two brigades forward with the greatest expedition, as there can be no occasion for them there."

To the president of Congress, Washington also wrote on the first of November as follows: "I can not conceive that there is any object, now remaining, that demands our attention and most vigorous efforts so much as the destruction of the [British] army in this quarter. Should we be able to effect this, we shall have little to fear in future." And on the seventeenth of November, he wrote to the same functionary thus: "I am anxiously waiting the arrival of the troops from the northward, who ought to have been here before this. The want of these troops has embarrassed all my measures exceedingly."

Instead of promptly seconding the desires of Washington, when communicated to them by Hamilton, Generals Gates and Putnam were unwilling to part with a sufficient number of the troops under their respective commands to effect the object designed. The former general was then contemplating an expedition to Ticonderoga, and the latter an attack on the British forces in New York. After considerable delay, those generals, at the urgent request of Colonel Hamilton, finally sent on about five thousand men to the aid of General Washington; but in the meantime, Sir Henry Clinton, who commanded the British forces stationed at the city of New York, detached about six thousand men to the aid of General Howe in Philadelphia.

Thus, will it be seen, that the well-formed plans of General Washing-

* General Putnam then commanded the troops on the Hudson river, below the Highlands.

ton, to follow up the capture of the British army under Burgoyne, by that of the forces under Howe, were frustrated by the want of cordial co-operation on the part of Gates and Putnam. Had Washington succeeded by their prompt aid in effecting his purposes at Philadelphia, he would doubtless have moved upon New York, and by an attack upon that city, with the whole American forces, have either compelled the surrender of the forces under Sir Henry Clinton, or the evacuation by them of that point; and thus the campaign of 1777 would have been closed by a succession of American victories and British reverses, from which the latter could not have recovered. Is it too much to say, that in that event, Great Britain would have sought for peace in 1778, as she did afterward in 1782, and that the American alliance with France, would have thus been rendered unnecessary? This view is confirmed by the correspondence of Washington, who evidently was of opinion that a protracted war for years was unnecessary. In a letter to John Parke Custis, dated, February 28, 1781, more than three years after the fall of Philadelphia, he says, "We have brought a cause, which might have been happily *terminated years ago* by the adoption of proper measures, to the very verge of ruin," &c.

The following extract of a letter from Washington to Patrick Henry, dated November 13, 1777, soon after the British had entered Philadelphia, throws farther light upon the state of affairs at this period; and shows particularly that Washington's army had been weakened by reinforcements sent to the aid of General Gates.

"I was left to fight two battles, in order if possible to save Philadelphia, with less numbers than composed the army of my antagonist, while the world has given us double.

"How different is the case in the northern department. There the states of New York and New England, resolving to crush Burgoyne, continued pouring in their troops till the surrender of that army. Had the same spirit pervaded the people of this and the neighboring states, we might before this time have had General Howe nearly in the situation of General Burgoyne.

"My own difficulties in the course of the campaign have been not a little increased by the extra aid of continental troops which the gloomy prospect of our affairs, immediately after the reduction of Ticonderoga,* induced me to spare from this army."

The campaign of 1777 having closed, Washington communicated in general orders his intention of retiring with his army into winter-quarters. He expressed to his officers and soldiers his high approbation of their past conduct; gave an encouraging statement of the prospects of the country, and exhorted the men to bear the hardships inseparable from their condition. Valley Forge, about twenty miles northwest from Philadelphia, was selected by Washington for the winter-quarters of the

* Ticonderoga was taken by Burgoyne, on the 5th of July, 1777.

army. This position was preferred to distant and more comfortable villages, as being calculated to give security to the country from the enemy. In the latter end of December, the troops were compelled to build huts for their own accommodation, and during the winter, which was unusually severe, their sufferings were great, from want of both clothing and food, Washington was compelled to make seizures from the inhabitants, as he was authorized by Congress to do, for the sustenance of his army. The commander-in-chief and his principal officers sent for their wives, from the different states to which they belonged, to pass the winter with their husbands at headquarters.

To the other vexations and troubles which crowded on General Washington at this time, was added one of a peculiar nature. This was the formation of a cabal among members of Congress, and a few officers in the northern division of the army, the object of which was to supersede him in the command of the army, or to induce his resignation. This intrigue is known in American history under the name of *Conway's cabal.* Generals Gates, Mifflin, and Conway, are the only officers of note who were known to have been engaged in it. The former of these generals was proposed to supersede Washington. About the same time a board of war was created by Congress, of which General Gates was appointed president.

These machinations did not abate the ardor of Washington in the common cause. His patriotism was too solid to be shaken, either by envy or ingratitude. Nor was the smallest effect produced in diminishing his well-earned reputation. Zeal the most active, and services the most beneficial, and at the same time disinterested, had riveted him in the affections of his country and the army. Even the victorious troops under Gen. Gates, though comparisons highly flattering to their vanity, had been made between them and the army in Pennsylvania, clung to Washington as their political savior. The resentment of the people was generally excited against those who were supposed to be engaged in, or friendly to, the scheme of appointing a new commander-in-chief over the American army.*

The sufferings of the army while encamped at Valley Forge, are memmorable in the history of the war. They were not only greatly in want of the necessary supplies of food, but of blankets and clothing. "Naked and starving as they are," says Washington in one of his letters, "we can not enough admire the incomparable patience and fidelity of the soldiery, that they have not been ere this excited by their sufferings, to a general mutiny and desertion." Although the officers were better provided than the soldiers, yet none were exempt from privations and hardships.

When the encampment was begun at Valley Forge, the whole number of men in the field was 11,098, of whom 2,898, were unfit for duty, "being barefoot and otherwise naked." Much of the suffering of the army was

* Ramsay.

attributed to mismanagement in the quartermaster's department; while reforms on this subject were proposed in Congress, the distresses of the troops approached their acme. General Washington found it necessary to interpose his personal exertions to procure provisions from a distance. In a few days the army was rescued from the famine with which it had been threatened. It was perceived that the difficulties which had occurred, were occasioned more by the want of due exertion in the commissary department, and by the efforts of the people to save their stock for a better market, than by a real deficiency of food in the country.

The impression made on the British nation by the capitulation of Burgoyne, at length made its way into the cabinet, and Lord North brought into parliament two bills, which were adopted, having conciliation for their object. The first surrendered the principle of taxation, and the second empowered the crown to appoint commissioners to treat for peace with the United States. This movement was prompted by the apprehension that France would acknowledge the independence of America, and join in the war against England.

The terms held out by these bills were such as would have been accepted by the Americans in the early stages of the controversy, but they now came too late. It was no part of the plan of the British ministers to treat with the American states as an independent power. They were to go back to their old condition as colonies, favored with certain privileges; but having declared their independence, and shed their blood, and expended their means to sustain it, these new offers of the British government were not likely to gain the confidence or change the sentiments of those who had taken the lead in the cause of American liberty. Washington, in a letter to a member of Congress, after he had learned the purport of the conciliatory bills, expresses himself thus: "Nothing short of independence, it appears to me, can possibly do. A peace on other terms would, if I may be allowed the expression, be a peace of war. The injuries we have received from the British nation were so unprovoked, and have been so great and so many, that they can never be forgotten. Our fidelity as a people, our gratitude, our character as men, are opposed to a coalition with them as subjects, but in case of the last extremity." The subject appeared in the same light to Congress, and they unanimously resolved, that no advances on the part of the British government would be met, unless, as a preliminary step, they either withdrew their armies and fleets, or acknowledged, unequivocally, the independence of the United States.

On the second of May, 1778, ten days after Congress had passed their resolves respecting Lord North's bill of conciliation, a messenger arrived in the United States, bearing treaties of amity, commerce, and alliance, between France and America, signed at Paris, on the sixth of February, 1778, by which the independence of the United States was formally ac-

knowledged by the former power. This intelligence was received with joy by the Americans, and the army participated in the rejoicings of the people on the occasion, and a day was set apart by the commander-in-chief for a public celebration in camp.

The British kept possession of Philadelphia through the winter and the spring following; and although Washington's camp was within twenty miles of the city, yet no enterprise was undertaken to molest him in his quarters. Foraging parties were sent out, and committed depredations on the inhabitants; but they were watched by the Americans, who sometimes met them in fierce and bloody rencontres. The British army in New York and Philadelphia, amounted to nearly thirty thousand, of which number 19,500 were in Philadelphia, and 10,400 in New York. There were besides 3,700 at Rhode Island. The American army on the eighth of May, 1778, did not exceed 15,000 men, including the detachments on the North river, and at other places. The number at Valley Forge was 11,800. The new establishment agreed upon by a committee of Congress at Valley Forge, was to consist of forty thousand continental troops, besides artillery and horse; but it was not supposed by a council of war, held on the eighth of May, that it could soon be raised higher than twenty thousand effective men, while the British army in the middle and eastern states, amounted, as above stated, to upward of thirty-three thousand.*

Sir William Howe, having at his own request been recalled, resigned the command of the British army to Sir Henry Clinton, and embarked for England. About the same time, orders were received for the evacuation of Philadelphia. The great naval force of France rendered that city a dangerous position, and determined the British cabinet to withdraw their army from the Delaware.

On the morning of the eighteenth of June, Philadelphia was evacuated by the British army, which crossed the Delaware, and landed on Gloucester point. Their line extended nearly twelve miles, and as they were encumbered with numerous wagons, and compelled to stop and build bridges over the streams in their route, their progress was slow. It was the first purpose of Sir Henry Clinton to proceed to the Raritan, and embark his troops at Brunswick, or South Amboy, for New York, but finding Washington with his army in motion in that direction, he turned to the right and took the road leading to Monmouth and Sandy Hook.

A council of war, called by Washington, to discuss the best mode of attacking the enemy on their march, was divided in opinion. Gen. Lee and others advising to avoid a general battle, but to harass the enemy upon flank and rear. Washington determined to act according to his own judgment, and sent forward a detachment to commence an attack, while he with the rest of the army followed to support the advance corps. Sir Henry Clinton, with the British army encamped near Monmouth court-

* Sparks.

house, whence they commenced their march on the twenty-eighth of June, and were attacked by the Americans. The battle became general, and lasted till night, when both armies remained on the field. The British troops withdrew during the night, and soon after proceeded to Sandy Hook, where they embarked on board a fleet for New York.

The battle of Monmouth, although favorable to the Americans, was not a decided victory; yet Congress viewed it somewhat in that light, and passed a vote of thanks to the commander-in-chief and the army. The American loss was sixty-nine killed, while the British loss was much greater, being nearly three hundred. On their march through New Jersey, the British army lost by battle, captured as prisoners, and desertion, more than twelve hundred men. The conduct of General Lee, at the battle of Monmouth, in ordering a hasty retreat of his detachment and otherwise, was severely censured by Washington; he was consequently tried by a court-martial, found guilty of the charges against him, and suspended from his command for one year. He left the service, and died four years afterward, in Philadelphia.

After the action at Monmouth, General Washington marched with his army to the Hudson river, which he crossed, and encamped at White Plains, about twenty-five miles north of the city of New York. Before crossing the river, he heard of the arrival on the coast of a French fleet, under Count d'Estaing, consisting of twelve ships-of-the-line and four frigates. No time was lost by the American general in sending a letter of congratulation to the French admiral, and proposing to co-operate with him, in plans for attacking the enemy. It was at first proposed to attack New York, by land and water; but the scheme was abandoned, and the French squadron sailed for Rhode Island, to attack the British forces there, chiefly in garrison at Newport. Various causes conspired to the failure of this expedition, by defeating the combined action of the land and naval forces. After leaving Newport, the French fleet was crippled by a storm and engagement at sea, and put into the harbor of Boston to refit, where they remained until November.

The American army was employed in various operations in the northern and eastern states, during the campaign of 1778, to guard against an apprehended attack by the British on Boston, or some other point at the eastward; but it was finally ascertained that the enemy had no design in that direction. Washington established his headquarters at Fredericksburg, thirty miles from West Point, on the borders of Connecticut, and at the close of the campaign put his army in winter-quarters at West Point and at several other places, his headquarters being at Middlebrook, in New Jersey.

Notwithstanding the flattering prospects which the alliance with France held out for the American cause, General Washington at this time had many causes of anxiety which oppressed him, and filled his mind with

the most gloomy feelings. Among the most prominent subjects of anxiety and apprehension, he viewed that of the apathy and dissensions among members of Congress with alarm. The men of talent who had taken the lead in Congress, in the early period of the war, had gradually withdrawn from that body, until it had become small in numbers and comparatively feeble in counsels and resources. At no time were private jealousies and party feuds more rife or mischievous in their effects.

To those in whom he had confidence, Washington laid open his fears, and endeavored to awaken a sense of the public danger. To Benjamin Harrison, of Virginia, he thus writes, on the 30th of December, 1778: "I confess to you that I feel more real distress on account of the present appearances of things, than I have done at any one time since the commencement of the dispute. But Providence has heretofore taken us up, when all other means and hope seemed to be departing from us. In this I will confide."

A project for conquering Canada was at this time entertained in Congress; but Washington, being requested to communicate his sentiments on the subject, replied in a long letter to Congress, showing that the plan was impracticable, requiring resources in troops and money which were not to be had; also, that there were political reasons why it would be against the future interests of the United States for Canada to be restored to France, as would probably be the case if conquered by the allied forces of France and America. He afterward, in December, 1777, visited Philadelphia; and on a more full discussion of the subject with a committee of Congress, the Canada scheme was given up. The French government was also decidedly opposed to it, and it was the policy of that court that Canada and Nova Scotia should remain in the power of Great Britain.*

The winter and spring of 1779 passed away without the occurrence of any remarkable event. The British remained within their lines at New York, apparently making no preparation for any enterprise of magnitude. General Washington, in the meantime, turned his attention to the fitting out of an expedition against the hostile Indians in the state of New York. General Sullivan was despatched with a large force to the Susquehannah river, and was completely successful in subduing the Indians.

Washington removed his headquarters to New Windsor, a few miles above West Point, distributing his army chiefly in and near the highlands of the Hudson river, but stationing a force below, to check any sudden incursion of the enemy. Washington at this time resolved upon an attack on the strong British post at Stony Point, on the Hudson river, and intrusted the enterprise to General Wayne. That officer stormed the works on the night of the 15th of July, with a body of picked men, and the assault was successful in all its parts. The number of prisoners captured

* Sparks.

by the Americans was 543, and the number killed on the side of the British was 63; while the American loss was 15 killed, and 83 wounded.

The campaign of 1779 having terminated, the American army went into winter-quarters; the main body in the neighborhood of Morristown, in New Jersey, and various detachments on the Hudson river and in Connecticut. The headquarters of Washington were at Morristown. A descent upon Staten island by a party of Americans under Lord Stirling, a retaliatory incursion of the enemy into New Jersey, and a skirmish near White Plains, were the only military events during the winter.

In April, 1780, the marquis de Lafayette arrived at Boston from France, with the cherring intelligence that the French government had fitted out an armament of naval and land forces, which might soon be expected in the United States. On the 10th of July, the French fleet arrived at Newport, in Rhode Island. The armament consisted of seven or eight ships-of-the-line, two frigates, two bombs, and upward of five thousand men. The fleet was commanded by De Ternay, and the army by Count de Rochambeau. The general and troops were directed by the French government to be in all cases under the command of General Washington.

Having a decided naval superiority, the British fleet, under Admiral Arbuthnot, blockaded the French squadron in the harbor of Newport, and Rochambeau's army was obliged to remain there for its protection. This state of things continued through the season, and no military enterprise was undertaken. Both parties stood on the defensive, watching each other's motions, and depending on the operations of the British and French fleets. General Washington encamped on the west side of the Hudson, below Orangetown, or Tappan, on the borders of New Jersey, which station he held till winter.

A conference was held between the commanders of the two allied armies, being suggested by Rochambeau, and readily assented to by Washington. They met at Hartford, in Connecticut, on the 21st of September. During the absence of General Washington, the army was left under the command of General Greene. No definite plan of operations could be agreed upon between the American and French commanders, as a naval superiority was essential to any effectual enterprise by land, and the French fleet was inferior to that of the British naval force on the American station.

At this time, General Arnold held the command at West Point, and other fortified posts on the Hudson river, in the highlands. On Washington's return to West Point from the conference with the French commander at Hartford, he was filled with astonishment at the discovery of a plot which had been formed between General Arnold and Sir Henry Clinton, to deliver up the American post to the enemy—the agent employed by the British general being Major John André, adjutant-general in the British army. On the detection of his treachery, Arnold fled to a British sloop-

of-war in the Hudson river, immediately after the arrival of Washington at West Point, on the 25th of September. Major André had been taken by the Americans, and was soon after removed to the headquarters of the army at Tappan.

On discovering the treason of Arnold, Washington took immediate measures to secure the posts. Orders were despatched to all the principal officers, and every precaution was taken. It was soon ascertained by Washington that no other officer in the American army was implicated in the conspiracy of Arnold; and he forthwith ordered a court of inquiry, consisting of a board of general officers, for the trial of Major André. Various papers were laid before the board, which met on the twenty-ninth of September, and André himself was questioned and desired to make such statements and explanations as he chose. After a full investigation, the board reported the essential facts which had appeared, with their opinion that he was a spy and ought to suffer death. General Washington approved this decision, and Major André was executed at Tappan, on the second of October. He met his fate with composure and dignity.

While André's case was pending, Sir Henry Clinton used every effort in his power to rescue him from his fate. He wrote to General Washington, and endeavored to show that he could not be regarded as a spy, inasmuch as he came on shore at the request of an American general, and afterward acted by his direction. Connected with all the circumstances, this argument could have no weight. There was no stronger trait in the character of Washington than humanity; the misfortunes and sufferings of others touched him keenly; and his feelings were deeply moved at the part he was compelled to act, in consenting to the death of André; yet, justice to the office he held, and to the cause for which his countrymen were shedding their blood, left him no alternative.*

While these operations were going on at the north, all the intelligence from the southern states showed that the American cause was in a gloomy condition in that quarter. The British forces under Lord Cornwallis were overrunning the Carolinas, and preparations were making in New York to detach a squadron with troops to fall upon Virginia. The city of Charleston had been taken by the British in May, 1780, and the American army of six thousand, under General Lincoln, stationed there, surrendered prisoners-of-war. The defeat of General Gates near Camden, in South Carolina, in August, was a heavy blow to the Americans. Congress requested General Washington to appoint an officer to succeed Gates in the command of the southern army. With his usual discrimination and judgment, he selected General Greene, who repaired to the theatre of action, in which he was so eminently distinguished during the subsequent years of the war.

Congress at length adopted the important measures, in regard to the

* Sparks.

army which Washington had earnestly and repeatedly advised. They decreed that all the troops thenceforward to be raised, should be enlisted to serve during the war; and that all the officers who continued in the service to the end of the war, should be entitled to half-pay for life. Washington ever believed, that, if this system had been pursued from the beginning, it would have shortened the war, or at least have caused a great diminution of the expense. Unfortunately the states did not comply with the former part of the requisition, but adhered to the old method of filling up their quotas with men raised for three years, and for shorter terms. The extreme difficulty of procuring recruits, was the reason assigned for persevering in this practice.

The army went into winter-quarters at the end of November; the Pennsylvania line near Morristown, the New Jersey regiments at Pompton, and the eastern troops in the Highlands. The headquarters of the commander-in-chief were at New Windsor, on the Hudson river. The French army remained at Newport, Rhode Island, except the duke de Lauzun's legion, which was cantoned at Lebanon, in Connecticut.*

Washington felt with infinite regret, the succession of abortive projects throughout the campaign of 1780. In that year he had indulged the hope of terminating the war. In a letter to a friend, he wrote as follows: "We are now drawing to a close an inactive campaign, the beginning of which appeared pregnant with events of a very favorable complexion. I hoped, but I hoped in vain, that a prospect was opening which would enable me to fix a period to my military pursuits, and restore me to domestic life."

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"But alas! these prospects, flattering as they were, have proved delusory; and I see nothing before us but accumulating distress. We have been half of our time without provisions, and are likely to continue so. We have no magazines, nor money to form them. We have lived upon expedients until we can live no longer. In a word, the history of the war is a history of false hopes and temporary devices, instead of system and economy. It is in vain, however, to look back; nor is it our business to do so. Our case is not desperate, if virtue exists in the people, and there is wisdom among our rulers. But to suppose that this great revolution can be accomplished by a temporary army, that this army will be subsisted by state supplies, and that taxation alone is adequate to our wants, is, in my opinion, absurd."

A dangerous mutiny broke out in January, 1781, among the Pennsylvania troops stationed near Morristown, which was suppressed by the prudence and good management of Gen. Wayne, acting under the advice of Washington, and aided by a committee of Congress. The latter proposed terms to the revolters, which were accepted. This mutiny was followed by a similar revolt of the New Jersey troops, which was promptly put down

* Sparks.

by an armed force under Gen. Howe, by direction of Washington. Two of the ringleaders were tried by a court-martial and shot. By this summary proceeding, the spirit of mutiny in the army was subdued

Colonel John Laurens, having been appointed on a mission to France, to obtain a loan and military supplies, Washington wrote a letter to that gentleman, in support of the application of Congress, which was first presented by the commissioner to Dr. Franklin, and afterward laid before the French king and cabinet. The French government having determined to grant the aid requested, previous to the arrival of Colonel Laurens, suggested that the money to be appropriated for the army, should be left at the disposal of General Washington.

On the first of May, 1781, Gen. Washington commenced a military journal, from which the following is an extract: "I begin at this epoch a concise journal of military transactions, &c. I lament not having attempted it from the commencement of the war, in aid of my memory; and wish the multiplicity of matter which continually surrounds me, and the embarrassed state of our affairs, which is momentarily calling the attention to perplexities of one kind or another, may not defeat altogether, or so interrupt my present intention and plans, as to render it of little avail."

After briefly sketching the wants and condition of the army at the time, he adds: "In a word, instead of having anything in readiness to take the field, we have nothing; and instead of having the prospect of a glorious and offensive campaign before us, we have a bewildered and gloomy prospect of a defensive one; unless we should receive a powerful aid of ships, troops, and money, from our generous allies, and these at present are too contingent to build upon."

While the Americans were suffering the complicated calamities which introduced the year 1781, their adversaries were carrying on the most extensive plan of operations against them which had ever been attempted. The war raged in that year, not only in the vicinity of the British headquarters at New York, but in Georgia, South Carolina, North Carolina, and in Virginia.

While the war raged in Virginia, the governor thereof, its representatives in Congress, and other influential citizens, urged his return, in defence of his native state. But, considering America as his country, and the general safety as his object, he deemed it of more importance to remain on the Hudson. In Washington's disregard of property, when in competition with national objects, he was in no respect partial to his own. While the British were in the Potomac, they sent a flag on shore to his estate at Mount Vernon requiring a fresh supply of provisions. To save the buildings from destruction his agent granted the supply of provisions required by the enemy. For this he received a severe reprimand from the general, who in a letter to the agent observed, that "it would have been a less painful circumstance to me to have heard, that in consequence of your

noncompliance with the request of the British, they had burnt my house, and laid my plantation in ruins. You ought to have considered yourself as my representative, and should have reflected on the bad example of communicating with the enemy, and making a voluntary offer of refreshment to them, with a view to prevent a conflagration."

Though, in conducting the war, General Washington often acted on the Fabian system, by evacuating, retreating, and avoiding decisive engagements, yet this was much more the result of necessity than of choice. His uniform opinion was in favor of energetic offensive operations, as the most effectual means of bringing the war to a termination. On this principle he planned attacks, in almost every year, on some one or other of the British armies or strong posts in the United States. He endeavored, from year to year, to stimulate the public mind to some great operation, but was never properly supported. In the years 1778, '79, and '80, the projected operations with the French, as has been related, entirely miscarried. The idea of ending the war by some decisive military exploit, continually occupied his active mind. To insure success, a naval superiority on the coast, and a loan of money, were indispensably necessary. To obtain these necessary aids, the French government were applied to, as already stated. His most Christian majesty (Louis XVI.) gave his American allies a subsidy of six millions of livres, and became their security for ten millions more, borrowed in Holland. A naval co-operation was promised, and a conjunct expedition against their common foes projected.*

To mature the plan for the campaign, and to communicate personally with the French commanders, General Washington made a journey to Newport. He left headquarters on the second of March, and was absent nearly three weeks. The citizens of Newport received him with a public address, expressive of their attachment and gratitude for his services. A second meeting for consultation took place between the American and French commanders, at Wethersfield, in Connecticut, on the twenty-second of May. The two principal objects considered were, first, a southern expedition to act against the enemy in Virginia; secondly, a combined attack on New York. The French commander leaned to the former, but he yielded to the stronger reasons for the latter, which was decidedly preferred by General Washington. It was believed that Sir Henry Clinton's force in New York had been so much weakened by detachments, that the British general would be compelled either to sacrifice that place and its dependencies, or recall part of his troops from the south to defend them.

It was therefore agreed that Count de Rochambeau should march with the French army, as soon as possible, from Newport, and form a junction with the American army near the Hudson river.

* Ramsay.

The attention of Washington was but partially taken up with the affairs under his own eye. He held a constant correspondence with Generals Greene and Lafayette, who kept him informed of the operations at the south, and asked his advice and directions. Other sections of the country, also, required and received his care and attention.

On the sixth of July, the French army formed a junction with the American forces on the Hudson, a few miles north of the city of New York. The French army, which had marched in four divisions from Providence, by way of Hartford, occupied the left, in a single line extending to the river Bronx. The Americans encamped in two lines, with their right resting on the Hudson.

Preparations were made for an attack on New York, and Washington pushed forward with the main army to within four miles of King's bridge, but finally fell back to Dobb's ferry, at which place the two armies continued six weeks. The American commander, observing how tardily his call on the respective states for troops was responded to, resolved not to make an attack until the arrival of the French fleet, under Count de Grasse, from the West Indies, then daily expected. At length, in August, he received a letter from De Grasse, informing him that he was about to sail with his whole fleet, and 3,200 land troops, for the Chesapeake. Washington at once resolved to abandon the project of an attack upon New York, and, with the cordial co-operation of Count de Rochambeau, proceeded without delay toward Virginia, with the whole of the French army, and as many Americans as could be spared from the posts on the Hudson. Washington and De Rochambeau preceded the army, and reached Lafayette's headquarters, at Williamsburg, Virginia, on the fourteenth of September, where, soon after, the whole army arrived. On his way, Washington made a flying visit to his seat at Mount Vernon, for the first time in six years, so completely had he devoted himself to the service of his country.

The French fleet under Count de Grasse, consisting of twenty-six ships-of-the-line and several frigates, entered the Chesapeake, where they were joined by the French squadron from Newport. Three thousand troops, under the marquis de St. Simon, disembarked from the French fleet, ascended the James river, and joined the allied armies at Williamsburg. The whole combined forces then took up their line of march for Yorktown, where the British army, under Lord Cornwallis, was entrenched; having erected strong fortifications at that place, and at Gloucester point, on the opposite shore.

On the thirtieth of September, the allied armies completely invested Yorktown, the Americans being on the right, and the French on the left, in a semicircular line, each wing resting on York river. The post at Gloucester was invested by part of the French army and marines, with some Virginia militia. On the ninth and tenth of October, the Americans

and French opened their batteries, and destroyed an English frigate and transport in the harbor. The siege lasted seventeen days, and was vigorously kept up, when, on the seventeenth of October, Lord Cornwallis proposed a cessation of hostilities, and the appointment of a commission to conclude upon terms for surrendering the posts of Yorktown and Gloucester. The proposition was accepted by General Washington, commissioners appointed, terms of surrender settled; and the articles were signed on the nineteenth of October, 1781.

On the afternoon of the day on which the capitulation was signed, the garrison marched out, and laid down their arms. The soldiers were surrendered to Washington, and the shipping in the harbor to the count de Grasse. The number of prisoners was over seven thousand. The British lost, during the siege, between five and six hundred killed; the Americans about three hundred. The allied army consisted of about seven thousand American continental troops, five thousand French, and four thousand militia. The British force was only about half that of the allies; and doubtless Lord Cornwallis would have abandoned Yorktown before its investment, had he not confidently expected reinforcements from New York. On the very day of the surrender of Cornwallis, Sir Henry Clinton left New York with seven thousand men, on board of a fleet, to reinforce the former; but on reaching the capes of the Chesapeake, he heard of the capture of Yorktown, and returned to New York.

The surrender of the British army at Yorktown was the last important military operation of the war of the Revolution. It was generally considered throughout the country as decisive of the contest in favor of the American cause. The year 1781 (says Ramsay) terminated, in all parts of the United States, in favor of the Americans. It began with weakness in Carolina, mutiny in New Jersey, and devastation in Virginia; nevertheless, at its close, the British were confined in their strongholds in or near New York, Charleston, and Savannah, and their whole army in Virginia was captured.

Washington endeavored, but in vain, to induce the count de Grasse to remain and assist in the reduction of Charleston; he pleaded special engagements in the West Indies, whence he sailed immediately, leaving with Rochambeau the three thousand land-troops he brought with him. The French army cantoned during the winter at Williamsburg, in Virginia, whither the prisoners taken at Yorktown were marched; and the main body of the American army returned to its late position in New Jersey and upon the Hudson. A detachment, under General St. Clair, was sent to the south, to strengthen the army of General Greene. The French army remained in Virginia until the summer of 1782, when they joined the Americans on the Hudson. On the cessation of hostilities, they embarked from Boston for St. Domingo, in December, 1782.

Vigilant measures were adopted by Washington for the campaign of

1782; but fortunately they were unnecessary, for active hostilities soon after ceased. In the southern states some skirmishes took place; but these combats were chiefly partisan, carried on between whigs and tories.

General Washington left Yorktown on the fifth of November, and hastened to Eltham, where his wife was attending the death-bed of her only son, Mr. Custis. He remained there a few days, to mingle his grief with the relatives of Mr. Custis, who died at the age of twenty-eight, leaving four young children, the two youngest of whom, a son and daughter, were adopted by the general, and they resided in his family till the end of his life. From Eltham he proceeded, by the way of Mount Vernon, to Philadelphia, receiving and answering various public addresses while on his journey. He attended Congress the day after his arrival, and was greeted with a congratulatory address by the president of that body. By request, he remained some time in Philadelphia, to confer with Congress, and that he might enjoy some respite from the fatigues of war; and joined the army in the following month of April, establishing his headquarters at Newburgh, on the Hudson river.

Sir Guy Carleton, who was appointed to succeed Sir Henry Clinton in command of the British forces in America, arrived at New York early in May, 1782, bearing instructions to use all honorable means to bring about an accommodation with the United States. Both parties, therefore, ceased offensive warfare, and preparations were made to conclude terms of peace. On the twentieth of January, 1783, the preliminary treaty was signed between France, Spain, and Great Britain, and on the third of September, of the same year, definitive treaties of all the powers were signed at one time. Congress ratified the one with America on the fourteenth of January, 1784.

On the anniversary of the battle of Lexington (April 19, 1783), a cessation of hostilities was proclaimed in the American army. On the third of November following, the army was disbanded by the orders of Congress, and the three cities occupied by British troops were evacuated—Savannah in July, New York in November, and Charleston in December, of the same year.

The conclusion of peace, and the disbanding of the army, were events that reflecting men looked forward to with feelings of mingled joy and fear. Although the struggle had been brought to a triumphant issue by the United States, the country was impoverished. Much of the territory had been laid waste, commerce was nearly annihilated, a heavy burden of debt incurred by the war was weighing upon the people, and the circulating medium of paper-money had become so utterly worthless, that, by a decree of Congress, its functions were terminated. Added to this, an army of about ten thousand men were large creditors to Congress, their pay being greatly in arrears. It was manifest that Congress was unable

to meet the claims of the soldiers, and could only recommend their case to their respective states.

In the month of December, 1782, the officers in the army resolved to memorialize Congress upon the subject of their grievances, proposing that the half-pay for life should be commuted for a specific sum, and requesting government to give security for the fulfilment of its engagements. Congress had a stormy debate upon the subject; but as nine states could not be obtained to vote the commutation proposition, the whole matter was dropped. This neglect of Congress to provide for their wants, produced a violent ferment among the officers, and through them the whole army became excited, and many minds among them determined upon coercive measures. In the midst of this ferment, an anonymous notice for a meeting of the general and field-officers, and a commissioned officer from each company, was circulated in the camp, accompanied with a letter, or address, complaining of their great hardships, and asserting that their country, instead of relieving them, "trampled upon their rights, disdained their cries, and insulted their distresses."

Fortunately, Washington was in the camp, and, with his usual promptness and wisdom, called a general meeting of all the officers, in place of the irregular one. He condemned the tone of the letter, as implying a proposal either to desert their country or turn their arms against her, and then gave them the strongest pledges that he would use his utmost power to induce Congress to grant their demands. His address was a feeling one, and appealed directly to their patriotism and the nobler sentiments of the heart. When he had concluded, he immediately retired from the meeting. The deliberations of the officers were exceedingly brief, and resulted in the adoption of resolutions, thanking the commander-in-chief for the course he had pursued, and expressing their unabated attachment to him, and confidence in the justice and good faith of Congress. They then separated, and, with hearts glowing with warmer patriotism, resolved still longer to endure privations for their beloved country. Congress soon after made arrangements for granting the officers full pay for five years, instead of half-pay for life, and four months full pay for the army, in part payment of arrearages. But as there were no funds to make this payment immediately, it required all the address of Washington to induce the soldiers to quietly return to their homes.

On the 24th of March, 1783, a letter was received from Lafayette, announcing the signing of the preliminary treaty; and Sir Guy Carleton gave official notice of the same soon after. In June, Washington wrote a circular letter to the governors of the states, having for its theme the general welfare of the country, in which he exhibited great ability, and the most truthful features of genuine patriotism. During the summer, many of the troops went home on furlough, and the commander-in-chief was employed, with Congress, in arranging a peace-establishment, and making

preparations for the evacuation of New York by the British troops. On the eighteenth of October, Congress issued a proclamation, discharging the troops from further service; and thus, in effect, the continental army was disbanded. This proclamation was soon followed by General Washington's Farewell Address to the Army, November 2, 1783; an address replete with sound wisdom and evidences of a virtuous attachment to the men and the cause with whom, and for which, he had labored for eight years.

A small body of troops, who had enlisted for a definite period, were retained in the service, and assembled at West Point, under General Knox. Arrangements having been made with Carleton for the evacuation and surrender of New York on the twenty-fifth of November, these troops proceeded to the city, and, as soon as the British were embarked, they entered in triumphal procession, with Governor Clinton and other civil officers of the state. The ceremonies of the day were ended by a public entertainment given by Governor Clinton, and, throughout the whole transaction, perfect order prevailed.

On the fourth of December, Washington bade a final adieu to his companions in arms. "At noon," says Marshall, "the principal officers of the army assembled at Francis's tavern, in New York, soon after which their beloved commander entered the room. His emotions were too strong to be concealed. Filling a glass, he turned to them and said: 'With a heart full of love and gratitude, I now take leave of you. I most devoutly wish that your latter days may be as prosperous and happy, as your former ones have been glorious and honorable.' Having drunk, he added: 'I can not come to each of you to take my leave, but shall be obliged if each of you will come and take me by the hand.' General Knox, being nearest, turned to him. Washington, incapable of utterance, grasped his hand and embraced him. In the same affectionate manner, he took leave of each succeeding officer. The tear of manly sensibility was in every eye, and not a word was articulated to interrupt the dignified silence, and the tenderness of the scene. Leaving the room, he passed through the corps of light-infantry, and walked to Whitehall, where a barge waited to convey him to Paulus's Hook. The whole company followed in mute and solemn procession, with dejected countenances, testifying feelings of delicious melancholy, which no language can describe. Having entered the barge, he turned to the company, and, waving his hat, bade them a silent adieu. They paid him the same affectionate compliment; and, after the barge had left them, returned in the same solemn manner to the place where they had assembled."

Washington then repaired to Annapolis, where Congress was in session, and, on the twenty-third of December, resigned into their hands the commission he had received from that body more than eight years before, appointing him commander-in-chief of the continental armies. In all the

towns and villages through which he passed, public and private demonstrations of joy and gratitude met him on every side; and Congress resolved that the resignation of his commission should be in a public audience. A large concourse of distinguished persons were present; and, at the close of a brief address,* Washington stepped forward and handed his commission to the president (General Mifflin), who made an affectionate and appropriate reply. He then "hastened with ineffable delight" (to use his own words) to his seat at Mount Vernon, resolved there to pass the remainder of his days amid the pure and quiet pleasures of his domestic circle, enhanced a thousand-fold by the consideration that his country was free and independent, and had taken a place among the nations of the earth.†

The conclusion of the revolutionary war permitted Washington to return to those domestic scenes in which he delighted, and from which no views of ambition seem to have had the power to draw his affections. One of the greatest proofs of his patriotism was his refusal to receive any pecuniary compensation for his services as commander-in-chief during the eight years in which he had served his country in that capacity. When he accepted the appointment, he announced to Congress his determination to decline payment for his services. He simply asked the reimbursement of his expenses, an exact account of which he kept and presented to the government, drawn up by his own hand at the close of the war.‡

In the month of September, 1784, Washington made a tour to the western country, for the purpose of inspecting the lands he possessed beyond the Allegany mountains, and also of ascertaining the practicability of opening a canal between the head-waters of the rivers running eastward into the Atlantic, and those that flow westward to the Ohio. The extent of this journey was six hundred and eighty miles, which he travelled on horseback. He crossed the mountains, and examined the waters of the Monongahela river, with the special view of deciding the question in his own mind, whether the Potomac and James rivers could be connected by internal navigation with the western waters. He conversed on the subject with such intelligent persons as he met, and kept a journal in which he recorded the results of his observations and inquiries. His thoughts had been turned to this enterprise before the Revolution; and soon after returning from this western tour, in October, 1784, he communicated to

* Washington closed his address with the following words: "I consider it an indispensable duty to close this last solemn act of my official life by commending the interests of our dearest country to the protection of Almighty God, and those who have the superintendence of them into his holy keeping. Having now finished the work assigned me, I retire from the great theatre of action; and bidding an affectionate farewell to this august body, under whose orders I have long acted, I here offer my commission, and take my leave of all employment of public life."

† Lossing's War of Independence.

‡ A fac-simile of this account of Washington's public expenditures has been published in a handsome volume, by Mr. Franklin Knight, of Washington city.

the governor of Virginia the fruits of his investigations in a letter, one of the ablest, most sagacious, and most important productions of his pen. The governor laid this letter before the legislature. It was the first suggestion of the great system of internal improvements which has since been pursued in the United States.

The legislature of Virginia, after duly considering this letter of Washington to the governor, appointed a commission for surveys, and organized two companies called the Potomac company, and the James river company, for the purpose of carrying the plan into effect.

It may here be added, that Washington was a zealous advocate for schools and literary institutions of every kind, and sought to promote them by his public addresses and by private benefactions. In this spirit he accepted the chancellorship of William and Mary college, being earnestly solicited by the trustees.*

Washington was not long allowed to remain in retirement. To remedy the distress into which the country had been thrown by the war, and to organize a permanent plan of national government, a national convention of delegates from the several states was called, and met at Philadelphia in 1787. Having been chosen one of the delegates from Virginia, Washington was appointed to preside over the deliberations of the convention, and used his influence to cause the adoption of the constitution of the United States.

By the unanimous voice of his fellow-citizens and of the electoral colleges, he was called, in 1789, to act as president of the United States and cheerfully lent his aid in organizing the new government. Amid all the difficulties which occurred at that period from differences of opinion among the people, many of whom were opposed to the measures proposed and adopted, the national government would probably have perished in its infancy, if it had not been for the wisdom and firmness of Washington. During his first term the French revolution commenced, which convulsed the whole political world, and which tried most severely his moderation and prudence. His conduct was a model of firm and dignified moderation. Insults were offered to his authority by the minister of the French republic (Mr. Genet) and his adherents, in official papers, in anonymous libels, and by tumultuous meetings. The law of nations was trampled under foot. No vexation could disturb the tranquillity of his mind, or make him deviate from the policy which his situation prescribed. During the whole course of that arduous struggle, his personal character gave that strength to a new magistracy which in other countries arises from ancient habits of obedience and respect. The authority of his virtue was more efficacious for the preservation of America, than the legal powers of his office. During this turbulent period he was unanimously re-elected to the presidency, in 1793, for another term, although he had expressed a

* Sparks.

wish to retire. The nation was then nearly equally divided into two great political parties, who united only on the name of Washington. Throughout the whole course of his second presidency the danger of the United States was great and imminent. The spirit of change, indeed, shook all nations. But in other countries it had to encounter ancient and strong established power; in America the government was new and weak; the people had scarcely time to recover from the effects of a recent civil war. Washington employed the horror excited by the atrocities of the French revolution for the best purposes; to preserve the internal quiet of his country; to assert the dignity and to maintain the rights of the commonwealth which he governed, against foreign enemies. He avoided war, without incurring the imputation of pusillanimity. He cherished the detestation of the best portion of his countrymen for anarchy, without weakening the spirit of liberty; and he maintained the authority of the government without infringing on the rights of the states, or abridging the privileges of the people. He raised no hopes that he did not gratify; he made no promises that he did not fulfil; he exacted proper respect due to the high office he held, and rendered to others every courtesy belonging to his high station.

Having determined to retire from the presidency at the expiration of his second term, in March, 1797, he issued in September, 1796, a farewell address to the people of the United States, which will be found in this volume, and which will remain as a permanent legacy to his countrymen through future generations, for its sentiments of patriotism, and sound maxims of political sagacity. He remained at the seat of government until the inauguration of his successor, Mr. Adams, which occasion he honored with his presence, and immediately retired to Mount Vernon to pass the remainder of his days in quiet retirement; but when, in 1798, the United States armed by sea and land, in consequence of their difficulties with France, he consented to act as lieutenant-general of the army; but was never afterward called upon to take the field, although he bore the commission until his death. On Thursday, the twelfth of December, 1799, he was seized with an inflammation in his throat, which became considerably worse the next day, and which terminated his life on Saturday, the fourteenth of the same month, in the sixty-eighth year of his age.

"No man," says Colonel Knapp, in his biographical sketch, "was ever mourned so widely and sincerely as Washington. Throughout the United States, eulogies were pronounced upon his character, sermons were preached, or some mark of respect paid to his memory. It was not speaking extravagantly to say that a nation was in tears at his death. There have been popular men, who were great in their day and generation, but whose fame soon passed away. It is not so with the fame of Washington, it grows brighter by years. The writings of Washington (a portion

only of which comprise eleven octavo volumes) show that he had a clear, lucid mind, and will be read with pleasure for ages to come."

"General Washington," says Judge Marshall, "was rather above the common size; his frame was robust, and his constitution vigorous—capable of enduring great fatigue, and requiring a considerable degree of exercise for the preservation of his health. His exterior created in the beholder the idea of strength united with manly gracefulness.

"His manners were rather reserved than free, though they partook nothing of that dryness, and sternness which accompany reserve when carried to an extreme; and on all proper occasions he could relax sufficiently to show how highly he was gratified by the charms of conversation, and the pleasures of society. His person and whole deportment exhibited an unaffected and indescribable dignity, unmingled with haughtiness, of which all who approached him were sensible; and the attachment of those who possessed his friendship, and enjoyed his intimacy, was ardent, but always respectful.

"His temper was humane, benevolent, and conciliatory; but there was a quickness in his sensibility to anything apparently offensive, which experience had taught him to watch and to correct.

"In the management of his private affairs he exhibited an exact yet liberal economy. His funds were not prodigally wasted on capricious and ill-examined schemes, nor refused to beneficial though costly improvements. They remained, therefore, competent to that extensive establishment which his reputation, added to an hospitable temper, had in some measure imposed upon him, and to those donations which real distress has a right to claim from opulence.

"In his civil administration, as in his military career, were exhibited ample and repeated proofs of that practical good sense, of that sound judgment which is perhaps the most rare, and is certainly the most valuable quality of the human mind.

"In speculation he was a real republican, devoted to the constitution of his country, and to that system of equal political rights on which it is founded. But between a balanced republic and a democracy, the difference is like that between order and chaos. Real liberty, he thought, was to be preserved only by preserving the authority of the laws, and maintaining the energy of government."

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Paged wrongly from here.

WASHINGTON'S

ADDRESSES AND MESSAGES.

INAUGURAL ADDRESS.

APRIL 30, 1789.

Fellow-Citizens of the Senate and of the House of Representatives:—

AMONG the vicissitudes incident to life, no event could have filled me with greater anxieties than that of which the notification was transmitted by your order, and received on the 14th day of the present month. On the one hand, I was summoned by my country, whose voice I can never hear but with veneration and love, from a retreat which I had chosen with the fondest predilection, and, in my flattering hopes, with an immutable decision, as the asylum of my declining years—a retreat which was rendered every day more necessary as well as more dear to me by the addition of habit to inclination, and of frequent interruptions in my health to the gradual waste committed on it by time. On the other hand, the magnitude and difficulty of the trust to which the voice of my country called me, being sufficient to awaken in the wisest and most experienced of her citizens a distrustful scrutiny into his qualifications, could not but overwhelm with despondence one who, inheriting inferior endowments from nature, and unpractised in the duties of civil administration, ought to be peculiarly conscious of his own deficiencies. In this conflict of emotions, all I dare aver is, that it has been my faithful study to collect my duty from a just appreciation of every circumstance by which it might be affected. All I dare hope is, that if, in accepting this task, I have been too much swayed by a grateful remembrance of former instances, or by an affectionate sensibility to this transcendant proof of the confidence of my fellow-citizens, and have thence too little consulted my incapacity as well as disinclination for the weighty and untried cares before me, my error will be palliated by the motives which misled me, and its consequences be judged by my country with some share of the partiality with which they originated.

Such being the impressions under which I have, in obedience to the public summons, repaired to the present station, it would be peculiarly improper to omit, in this first official act, my fervent supplications to that Almighty Being who rules over the universe, who presides in the councils of nations, and whose providential aids can supply every human defect, that his benediction may consecrate to the liberties and happiness of the people of the United States a government instituted by themselves for

these essential purposes, and may enable every instrument employed in its administration to execute with success the functions allotted to his charge. In tendering this homage to the great Author of every public and private good, I assure myself that it expresses your sentiments not less than my own, nor those of my fellow-citizens at large less than either. No people can be bound to acknowledge and adore the invisible Hand which conducts the affairs of men, more than the people of the United States. Every step by which they have advanced to the character of an independent nation seems to have been distinguished by some token of providential agency; and in the important revolution just accomplished in the system of their united government, the tranquil deliberations and voluntary consent of so many distinct communities from which the event has resulted, can not be compared with the means by which most governments have been established, without some return of pious gratitude, along with an humble anticipation of the future blessings which the past seem to presage. These reflections, arising out of the present crisis, have forced themselves too strongly on my mind to be suppressed. You will join with me, I trust, in thinking that there are none under the influence of which the proceedings of a new and free government can more auspiciously commence.

By the article establishing the executive department, it is made the duty of the president "to recommend to your consideration such measures as he shall judge necessary and expedient." The circumstances under which I now meet you will acquit me from entering into that subject farther than to refer to the great constitutional charter under which you are assembled, and which, in defining your powers, designates the objects to which your attention is to be given. It will be more consistent with those circumstances, and far more congenial with the feelings which actuate me, to substitute, in place of a recommendation of particular measures, the tribute that is due to the talents, the rectitude, and the patriotism which adorn the characters selected to devise and adopt them. In these honorable qualifications I behold the surest pledges that, as on one side, no local prejudices or attachments, no separate views, no party animosities, will misdirect the comprehensive and equal eye which ought to watch over this great assemblage of communities and interests, so, on another, that the foundations of our national policy will be laid in the pure and immutable principles of private morality, and the pre-eminence of free government be exemplified by all the attributes which can win the affections of its citizens and command the respect of the world. I dwell on this prospect with every satisfaction which an ardent love for my country can inspire, since there is no truth more thoroughly established than that there exists in the economy and course of nature an indissoluble union between virtue and happiness, between duty and advantage, between the genuine maxims of an honest and magnanimous policy and the solid rewards of public prosperity and felicity; since we ought to be no less persuaded that the propitious smiles of Heaven can never be expected on a nation that disregards the eternal rules of order and right which Heaven itself has ordained, and since the preservation of the sacred fire of liberty and the destiny of the republican model of government are justly considered as deeply, perhaps as finally, staked on the experiment intrusted to the hands of the American people.

Besides the ordinary objects submitted to your care, it will remain with your judgment to decide how far an exercise of the occasional power del

egated by the fifth article of the constitution is rendered expedient at the present juncture by the nature of the objections which have been urged against the system, or by the degree of inquietude which has given birth to them. Instead of undertaking particular recommendations on this subject, in which I could be guided by no lights derived from official opportunities, I shall again give way to my entire confidence in your discernment and pursuit of the public good; for I assure myself that while you carefully avoid every alteration which might endanger the benefits of a united and effective government, or which ought to await the future lessons of experience, a reverence for the characteristic rights of freemen, and a regard for the public harmony will sufficiently influence your deliberations on the question how far the former can be more impregnably fortified, or the latter be safely and advantageously promoted.

To the preceding observations I have one to add which will be most properly addressed to the house of representatives. It concerns myself, and will therefore be as brief as possible. When I was first honored with a call into the service of my country, then on the eve of an arduous struggle for its liberties, the light in which I contemplated my duty required that I should renounce every pecuniary compensation. From this resolution I have in no instance departed; and being still under the impressions which produced it, I must decline as inapplicable to myself any share in the personal emoluments which may be indispensably included in a permanent provision for the executive department, and must accordingly pray that the pecuniary estimates for the station in which I am placed may, during my continuance in it, be limited to such actual expenditures as the public good may be thought to require.

Having thus imparted to you my sentiments as they have been awakened by the occasion which brings us together, I shall take my present leave; but not without resorting once more to the benign Parent of the human race in humble supplication that, since he has been pleased to favor the American people with opportunities for deliberating in perfect tranquillity, and dispositions for deciding with unparalleled unanimity on a form of government for the security of their union and the advancement of their happiness, so his divine blessing may be equally conspicuous in the enlarged views, the temperate consultations, and the wise measures, on which the success of this government must depend.

FIRST ANNUAL ADDRESS.

JANUARY 8, 1790.

Fellow-Citizens of the Senate and of the House of Representatives:—

I EMBRACE with great satisfaction the opportunity which now presents itself of congratulating you on the present favorable prospects of our public affairs. The recent accession of the important state of North Carolina to the constitution of the United States (of which official information has been received), the rising credit and respectability of our country, the general and increasing good-will toward the government of the Union, and the concord, peace, and plenty, with which we are blessed, are circumstances auspicious, in an eminent degree, to our national prosperity.

In resuming your consultations for the general good, you can not but derive encouragement from the reflection that the measures of the last session have been as satisfactory to your constituents as the novelty and difficulty of the work allowed you to hope. Still further to realize their expectations and to secure the blessings which a gracious Providence has placed within our reach, will, in the course of the present important session, call for the cool and deliberate exertion of your patriotism, firmness, and wisdom.

Among the many interesting objects which will engage your attention, that of providing for the common defence will merit particular regard. To be prepared for war is one of the most effectual means of preserving peace.

A free people ought not only to be armed, but disciplined, to which end a uniform and well-digested plan is requisite; and their safety and interest require that they should promote such manufactories as tend to render them independent on others for essential, particularly military, supplies.

The proper establishment of the troops which may be deemed indispensable will be entitled to mature consideration. In the arrangements which may be made respecting it, it will be of importance to conciliate the comfortable support of the officers and soldiers, with a due regard to economy.

There was reason to hope that the pacific measures adopted with regard to certain hostile tribes of Indians would have relieved the inhabitants of our southern and western frontiers from their depredations; but you will perceive, from the information contained in the papers which I shall direct to be laid before you (comprehending a communication from the commonwealth of Virginia), that we ought to be prepared to afford protection to those parts of the Union, and, if necessary, to punish aggressors.

The interests of the United States require that our intercourse with other nations should be facilitated by such provisions as will enable me to fulfil my duty in that respect in the manner which circumstances may render most conducive to the public good; and to this end, that the compensations to be made to the persons who may be employed should, according to the nature of their appointments, be defined by law, and a competent fund designated for defraying the expenses incident to the conduct of our foreign affairs.

Various considerations also render it expedient that the terms on which foreigners may be admitted to the rights of citizens should be speedily ascertained by a uniform rule of naturalization.

Uniformity in the currency, weights, and measures of the United States, is an object of great importance, and will, I am persuaded, be duly attended to.

The advancement of agriculture, commerce, and manufactures, by all proper means, will not, I trust, need recommendation; but I can not forbear intimating to you the expediency of giving effectual encouragement, as well to the introduction of new and useful inventions from abroad, as to the exertions of skill and genius in producing them at home, and of facilitating the intercourse between the distant parts of our country by a due attention to the postoffice and post-roads.

Nor am I less persuaded that you will agree with me in opinion that there is nothing which can better deserve your patronage than the promotion of science and literature. Knowledge is in every country the surest

basis of public happiness. In one in which the measures of government receive their impressions so immediately from the sense of the community as in ours, it is proportionably essential. To the security of a free constitution it contributes in various ways: by convincing those who are intrusted with the public administration that every valuable end of government is best answered by the enlightened confidence of the people, and by teaching the people themselves to know and to value their own rights, to discern and provide against invasions of them, to distinguish between oppression and the necessary exercise of lawful authority, between burdens proceeding from a disregard to their convenience, and those resulting from the inevitable exigencies of society, to discriminate the spirit of liberty from that of licentiousness, cherishing the first, avoiding the last, and uniting a speedy but temperate vigilance against encroachments with an inviolable respect to the laws.

Whether this desirable object will be best promoted by affording aids to seminaries of learning already established, by the institution of a national university, or by any other expedients, will be well worthy of a place in the deliberations of the legislature.

Gentlemen of the House of Representatives:—

I saw with peculiar pleasure, at the close of the last session, the resolution entered into by you expressive of your opinion that an adequate provision for the support of the public credit is a matter of high importance to the national honor and prosperity. In this sentiment I entirely concur. And, to a perfect confidence in your best endeavors to devise such a provision as will be truly consistent with the end, I add an equal reliance on the cheerful co-operation of the other branch of the legislature. It would be superfluous to specify inducements to a measure in which the character and permanent interests of the United States are so obviously and so deeply concerned, and which has received so explicit a sanction from your declaration.

Gentlemen of the Senate and House of Representatives:—

I have directed the proper officers to lay before you, respectively, such papers and estimates as regard the affairs particularly recommended to your consideration, and necessary to convey to you that information of the state of the Union which it is my duty to afford.

The welfare of our country is the great object to which our cares and efforts ought to be directed. And I shall derive great satisfaction from a co-operation with you in the pleasing though arduous task of insuring to our fellow-citizens the blessings which they have a right to expect from a free, efficient, and equal government.

SECOND ANNUAL ADDRESS.

DECEMBER 8, 1790.

Fellow-Citizens of the Senate and of the House of Representatives:—

IN meeting you again, I feel much satisfaction in being able to repeat my congratulations on the favorable prospects which continue to distinguish our public affairs. The abundant fruits of another year have blessed our country with plenty and with the means of a flourishing commerce. The progress of public credit is witnessed by a considerable rise of American stock abroad as well as at home; and the revenues allotted for this and other national purposes have been productive beyond the calculations by which they were regulated. The latter circumstance is the more pleasing, as it is not only a proof of the fertility of our resources, but as it assures us of a further increase of the national respectability and credit; and, let me add, as it bears an honorable testimony to the patriotism and integrity of the mercantile and marine part of our citizens. The punctuality of the former in discharging their engagements has been exemplary.

In conforming to the powers vested in me by acts of the last session, a loan of three millions of florins, toward which some provisional measures had previously taken place, has been completed in Holland. As well the celerity with which it has been filled, as the nature of the terms (considering the more than ordinary demands for borrowing, created by the situation of Europe), give a reasonable hope that the further execution of those powers may proceed with advantage and success. The secretary of the treasury has my direction to communicate such further particulars as may be requisite for more precise information.

Since your last session, I have received communications by which it appears that the district of Kentucky, at present a part of Virginia, has concurred in certain propositions contained in a law of that state; in consequence of which, the district is to become a distinct member of the Union, in case the requisite sanction of Congress be added. For this sanction, application is now made. I shall cause the papers on this very important transaction to be laid before you. The liberality and harmony with which it has been conducted will be found to do great honor to both the parties; and the sentiments of warm attachment to the Union and its present government, expressed by our fellow-citizens of Kentucky, can not fail to add an affectionate concern for their particular welfare to the great national impressions under which you will decide on the case submitted to you.

It has been heretofore known to Congress that frequent incursions have been made on our frontier settlements by certain banditti of Indians from the northwest side of Ohio. These, with some of the tribes dwelling on and near the Wabash, have of late been particularly active in their depredations; and being emboldened by the impunity of their crimes, and aided by such parts of the neighboring tribes as could be seduced to join in their hostilities or afford them a retreat for their prisoners and plunder, have, instead of listening to the humane invitations and overtures made on the part of the United States, renewed their violences with fresh alacrity and greater effect. The lives of a number of valuable citizens have thus been sacrificed, and some of them under circumstances peculiarly shocking; while others have been carried into a deplorable captivity.

These aggravated provocations rendered it essential to the safety of the western settlements that the aggressors should be made sensible that the government of the Union is not less capable of punishing their crimes than it is disposed to respect their rights and reward their attachments. As this object could not be effected by defensive measures, it became necessary to put in force the act which empowers the president to call out the militia for the protection of the frontier. I have accordingly authorized an expedition in which the regular troops in that quarter are combined with such draughts of militia as were deemed sufficient. The event of the measure is yet unknown to me. The secretary of war is directed to lay before you a statement of the information on which it is founded, as well as an estimate of the expense with which it will be attended.

The disturbed situation of Europe, and particularly the critical posture of the great maritime powers, while it ought to make us the more thankful for the general peace and security enjoyed by the United States, reminds us at the same time of the circumspection with which it becomes us to preserve these blessings. It requires, also, that we should not overlook the tendency of a war, and even of preparations for a war, among the nations most concerned in active commerce with this country, to abridge the means, and thereby at least enhance the price, of transporting its valuable productions to their proper market. I recommend it to your serious reflections how far, and in what mode, it may be expedient to guard against embarrassments from these contingencies, by such encouragement to our own navigation as will render our commerce and agriculture less dependent on foreign bottoms, which may fail us in the very moments most interesting to both of these great objects. Our fisheries and the transportation of our own produce offer us abundant means for guarding ourselves against this evil.

Your attention seems to be not less due to that particular branch of our trade which belongs to the Mediterranean. So many circumstances unite in rendering the present state of it distressful to us, that you will not think any deliberations misemployed which may lead to its relief and protection

The laws you have already passed for the establishment of a judiciary system, have opened the doors of justice to all descriptions of persons. You will consider in your wisdom whether improvements in that system may yet be made; and particularly whether a uniform process of execution on sentences issuing from the federal courts be not desirable through all the states.

The patronage of our commerce, of our merchants, and seamen, has called for the appointment of consuls in foreign countries. It seems expedient to regulate by law the exercise of that jurisdiction and those functions which are permitted them, either by express convention or by a friendly indulgence, in the places of their residence. The consular convention, too, with his most Christian majesty, has stipulated, in certain cases, the aid of the national authority to his consuls established here. Some legislative provision is requisite to carry these stipulations into full effect.

The establishment of the militia, of a mint, of standards of weights and measures, of the postoffice and post-roads, are subjects which I presume you will resume of course, and which are abundantly urged by their own importance.

Gentlemen of the House of Representatives :—

The sufficiency of the revenues you have established for the objects to which they are appropriated, leaves no doubt but the residuary provisions will be commensurate to the other objects for which the public faith stands now pledged. Allow me, moreover, to hope that it will be a favorite policy with you, not merely to secure a payment of the interest of the debt funded, but as far and as fast as the growing resources of the country will permit, to exonerate it of the principal itself. The appropriations you have made of the western lands explain your disposition on this subject, and I am persuaded that the sooner that valuable fund can be made to contribute, along with other means, to the actual reduction of the public debt, the more salutary will the measure be to every public interest, as well as the more satisfactory to our constituents.

Gentlemen of the Senate and House of Representatives :—

In pursuing the various and weighty business of the present session, I indulge the fullest persuasion that your consultations will be equally marked with wisdom and animated by the love of your country. In whatever belongs to my duty, you shall have all the co-operation which an undiminished zeal for its welfare can inspire. It will be happy for us both, and our best reward, if, by a successful administration of our respective trusts, we can make the established government more and more instrumental in promoting the good of our fellow-citizens, and more and more the object of their attachment and confidence

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THIRD ANNUAL ADDRESS.

OCTOBER 25, 1791.

Fellow-Citizens of the Senate and of the House of Representatives :—

I MEET you upon the present occasion with the feelings which are naturally inspired by a strong impression of the prosperous situation of our common country, and by a persuasion equally strong that the labors of the session which has just commenced, will, under the guidance of a spirit no less prudent than patriotic, issue in measures conducive to the stability and increase of national prosperity.

Numerous as are the providential blessings which demand our grateful acknowledgments, the abundance with which another year has again rewarded the industry of the husbandman is too important to escape recollection.

Your own observations in your respective situations will have satisfied you of the progressive state of agriculture, manufactures, commerce, and navigation. In tracing their causes, you will have remarked with particular pleasure the happy effects of that revival of confidence, public as well as private, to which the constitution and laws of the United States have so eminently contributed ; and you will have observed, with no less interest, new and decisive proofs of the increasing reputation and credit of the nation. But you, nevertheless, can not fail to derive satisfaction from the confirmation of these circumstances which will be disclosed in the several

official communications that will be made to you in the course of your deliberations.

The rapid subscriptions to the bank of the United States which completed the sum allowed to be subscribed in a single day, is among the striking and pleasing evidences which present themselves, not only of confidence in the government, but of resources in the community.

In the interval of your recess, due attention has been paid to the execution of the different objects which were specially provided for by the laws and resolutions of the last session.

Among the most important of these is the defence and security of the western frontiers. To accomplish it on the most humane principles was a primary wish.

Accordingly, at the same time that treaties have been provisionally concluded, and other proper means used to attach the wavering and to confirm in their friendship, the well-disposed tribes of Indians, effectual measures have been adopted to make those of a hostile description sensible that a pacification was desired upon terms of moderation and justice.

These measures having proved unsuccessful, it became necessary, to convince the refractory of the power of the United States, to punish their depredations. Offensive operations have therefore been directed, to be conducted, however, as consistently as possible with the dictates of humanity. Some of these have been crowned with full success, and others are yet depending. The expeditions which have been completed were carried on under the authority and at the expense of the United States by the militia of Kentucky, whose enterprise, intrepidity, and good conduct, are entitled to peculiar commendation.

Overtures of peace are still continued to the deluded tribes, and considerable numbers of individuals belonging to them have lately renounced all further opposition, removed from their former situations, and placed themselves under the immediate protection of the United States.

It is sincerely to be desired that all need of coercion in future may cease, and that an intimate intercourse may succeed, calculated to advance the happiness of the Indians and to attach them firmly to the United States.

In order to this, it seems necessary—

That they should experience the benefits of an impartial dispensation of justice.

That the mode of alienating the lands, the main source of discontent and war, should be so defined and regulated as to obviate impositions, and, as far as may be practicable, controversy concerning the reality and extent of the alienations which are made.

That commerce with them should be promoted under regulations tending to secure an equitable deportment toward them, and that such rational experiments should be made for imparting to them the blessings of civilization as may from time to time suit their condition.

That the executive of the United States should be enabled to employ the means to which the Indians have been long accustomed for uniting their immediate interests with the preservation of peace.

And that efficacious provision should be made for inflicting adequate penalties upon all those who, by violating their rights, shall infringe the treaties and endanger the peace of the Union.

A system corresponding with the mild principles of religion and philanthropy toward an unenlightened race of men, whose happiness materi-

ally depends on the conduct of the United States, would be as honorable to the national character as conformable to the dictates of sound policy.

The powers specially vested in me by the act laying certain duties on distilled spirits, which respect the subdivisions of the districts into surveys, the appointment of officers, and the assignment of compensation, have likewise been carried into effect. In a matter in which both materials and experience were wanting to guide the calculation, it will be readily conceived that there must have been difficulty in such an adjustment of the rates of compensation as would conciliate a reasonable competency with a proper regard to the limits prescribed by law. It is hoped that the circumspection which has been used will be found, in the result, to have secured the last of the two objects; but it is probable that, with a view to the first, in some instances a revision of the provision will be found advisable.

The impressions with which this law has been received by the community have been, upon the whole, such as were to be expected among enlightened and well-disposed citizens, from the propriety and necessity of the measure. The novelty, however, of the tax, in a considerable part of the United States, and a misconception of some of its provisions, have given occasion in particular places to some degree of discontent. But it is satisfactory to know that this disposition yields to proper explanations and more just apprehensions of the true nature of the law. And I entertain a full confidence that it will, in all, give way to motives which arise out of a just sense of duty and a virtuous regard to the public welfare.

If there are any circumstances in the law which, consistently with its main design, may be so varied as to remove any well-intentioned objections that may happen to exist, it will consist with a wise moderation to make the proper variations. It is desirable, on all occasions, to unite, with a steady and firm adherence to constitutional and necessary acts of government, the fullest evidence of disposition, as far as may be practicable, to consult the wishes of every part of the community, and to lay the foundations of the public administration in the affections of the people.

Pursuant to the authority contained in the several acts on that subject, a district of ten miles square, for the permanent seat of the government of the United States, has been fixed and announced by proclamation; which district will comprehend lands on both sides of the river Potomac, and the towns of Alexandria and Georgetown. A city has also been laid out agreeably to a plan which will be laid before congress. And as there is a prospect, favored by the rate of sales which have already taken place, of ample funds for carrying on the necessary public buildings, there is every expectation of their due progress.

The completion of the census of the inhabitants, for which provision was made by law, has been duly notified (excepting one instance, in which the return has been informal—and another in which it has been omitted or miscarried), and the returns of the officers who were charged with this duty, which will be laid before you, will give you the pleasing assurance that the present population of the United States borders on four millions of persons.

It is proper, also, to inform you that a further loan of two millions and a half of florins has been completed in Holland, the terms of which are similar to those of the one last announced, except as to a small reduction of charges. Another, on like terms, for six millions of florins, had been set on foot under circumstances that assured an immediate completion.

Gentlemen of the Senate:—

Two treaties which have been provisionally concluded with the Cherokees and Six Nations of Indians will be laid before you for your consideration and ratification.

Gentlemen of the House of Representatives:—

In entering upon the discharge of your legislative trust, you must anticipate with pleasure that many of the difficulties necessarily incident to the first arrangements of a new government for an extensive country have been happily surmounted by the zealous and judicious exertions of your predecessors, in co-operation with the other branch of the legislature. The important objects which remain to be accomplished will, I am persuaded, be conducted upon principles equally comprehensive and equally well calculated for the advancement of the general weal.

The time limited for receiving subscriptions to the loans proposed by the act for making provisions for the debt of the United States having expired, statements from the proper department will, as soon as possible, apprize you of the exact result. Enough, however, is already known to afford an assurance that the views of that act have been substantially fulfilled. The subscription, in the domestic debt of the United States, has embraced by far the greatest proportion of that debt; affording, at the same time, proof of the general satisfaction of the public creditors with the system which has been proposed to their acceptance, and of the spirit of accommodation to the convenience of the government with which they are actuated. The subscriptions in the debts of the respective states, as far as the provisions of the law have permitted, may be said to be yet more general. The part of the debt of the United States which remains unsubscribed will naturally engage your further deliberations.

It is particularly pleasing to me to be able to announce to you that the revenues which have been established promise to be adequate to their objects, and may be permitted, if no unforeseen exigency occur, to supersede for the present the necessity of any new burdens upon our constituents.

An object which will claim your early attention is a provision for the current service of the ensuing year, together with such ascertained demands upon the treasury as require to be immediately discharged, and such casualties as may have arisen in the execution of the public business, for which no specific appropriation may have yet been made; of all which a proper estimate will be laid before you.

Gentlemen of the Senate and of the House of Representatives:—

I shall content myself with a general reference to former communications for several objects upon which the urgency of other affairs has hitherto postponed any definite resolution. Their importance will recall them to your attention; and I trust that the progress already made in the most arduous arrangements of the government will afford you leisure to resume them with advantage.

There are, however, some of them of which I can not forbear a more particular mention. These are the militia; the postoffice and postroads; the mint; weights and measures; a provision for the sale of the vacant lands of the United States.

The first is certainly an object of primary importance, whether viewed in reference to the national security, to the satisfaction of the community,

or to the preservation of order. In connexion with this, the establishment of competent magazines and arsenals, and the fortification of such places as are peculiarly important and vulnerable, naturally present themselves to consideration. The safety of the United States, under divine protection, ought to rest on the basis of systematic and solid arrangements, exposed as little as possible to the hazards of fortuitous circumstances.

The importance of the postoffice and postroads, on a plan sufficiently liberal and comprehensive, as they respect the expedition, safety, and facility of communication, is increased by their instrumentality in diffusing a knowledge of the laws and proceedings of the government, which, while it contributes to the security of the people, serves also to guard them against the effects of misrepresentation and misconception. The establishment of additional cross-posts, especially to some of the important points in the western and northern parts of the Union, can not fail to be of material utility.

The disorders in the existing currency, and especially the scarcity of small change, a scarcity so peculiarly distressing to the poorer classes, strongly recommend the carrying into immediate effect the resolution already entered into concerning the establishment of a mint. Measures have been taken pursuant to that resolution for procuring some of the most necessary artists, together with the requisite apparatus.

A uniformity in the weights and measures of the country is among the important objects submitted to you by the constitution, and if it can be derived from a standard at once invariable and universal, must be no less honorable to the public councils than conducive to the public convenience.

A provision for the sale of the vacant lands of the United States is particularly urged, among other reasons, by the important considerations that they are pledged as a fund for reimbursing the public debt; that, if timely and judiciously applied, they may save the necessity for burdening our citizens with new taxes for the extinguishment of the principal; and that, being free to discharge the principal but in a limited proportion, no opportunity ought to be lost for availing the public of its right.

FOURTH ANNUAL ADDRESS.

NOVEMBER 6, 1792.

Fellow-Citizens of the Senate and of the House of Representatives:—

IT is some abatement of the satisfaction with which I meet you on the present occasion, that, in felicitating you on a continuance of the national prosperity generally, I am not able to add to it information that the Indian hostilities, which have for some time past distressed our northwestern frontier, have terminated.

You will, I am persuaded, learn with no less concern than I communicate it, that reiterated endeavors toward effecting a pacification have hitherto issued only in new and outrageous proofs of persevering hostility on the part of the tribes with whom we are in contest. An earnest desire to procure tranquillity to the frontier, to stop the further effusion of blood, to arrest the progress of expense, to forward the prevalent wish of the nation for peace, has led to strenuous efforts through various channels, to ac-

complish these desirable purposes; in making which efforts, I consulted less my own anticipations of the event, or the scruples which some considerations were calculated to inspire, than the wish to find the object attainable, or, if not attainable, to ascertain unequivocally that such was the case.

A detail of the measures that have been pursued, and of their consequences, which will be laid before you, while it will confirm to you the want of success thus far, will, I trust, evince that means as proper and as efficacious as could have been devised have been employed. The issue of some of them, indeed, is still depending; but a favorable one, though not to be despaired of, is not promised by anything which has yet happened.

In the course of the attempts which have been made, some valuable citizens have fallen victims to their zeal for the public service. A sanction commonly respected even among savages has been found, in this instance, insufficient to protect from massacre the emissaries of peace. It will, I presume, be duly considered whether the occasion does not call for an exercise of liberality toward the families of the deceased.

It must add to your concern to be informed that, besides the continuation of hostile appearances among the tribes north of the Ohio, some threatening symptoms have of late been revived among some of those south of it.

A part of the Cherokees, known by the name of Chickamagas, inhabiting five villages on the Tennessee river, have long been in the practice of committing depredations on the neighboring settlements.

It was hoped that the treaty of Holston, made with the Cherokee nation in July, 1791, would have prevented a repetition of such depredations. But the event has not answered this hope. The Chickamagas, aided by some banditti of another tribe in their vicinity, have recently perpetrated wanton and unprovoked hostilities upon the citizens of the United States in that quarter. The information which has been received on this subject will be laid before you. Hitherto, defensive precautions only have been strictly enjoined and observed.

It is not understood that any breach of treaty or any aggression whatsoever on the part of the United States or their citizens, is even alleged as a pretext for the spirit of hostility in this quarter.

I have reason to believe that every practical exertion has been made, pursuant to the provision by law for that purpose, to be prepared for the alternative of a prosecution of the war in the event of a failure of pacific overtures. A large proportion of the troops authorized to be raised have been recruited, though the number is still incomplete, and pains have been taken to discipline and put them in condition for the particular kind of service to be performed. A delay of operations, besides being dictated by the measures which were pursuing toward a pacific termination of the war, has been in itself deemed preferable to immature efforts. A statement from the proper department with regard to the number of troops raised, and some other points which have been suggested, will afford more precise information as a guide to the legislative consultations, and among other things, will enable Congress to judge whether some additional stimulus to the recruiting service may not be advisable.

In looking forward to the future expense of the operations which may be found inevitable, I derive consolation from the information I receive that the product of the revenues for the present year is likely to supersede the necessity of additional burdens on the community for the service of

the ensuing year. This, however, will be better ascertained in the course of the session; and it is proper to add, that the information alluded to proceeds upon the supposition of no material extension of the spirit of hostility.

I can not dismiss the subject of Indian affairs without again recommending to your consideration the expediency of more adequate provision for giving energy to the laws throughout our interior frontier, and for restraining the commission of outrages upon the Indians, without which all pacific plans must prove nugatory. To enable, by competent rewards, the employment of qualified and trusty persons to reside among them as agents, would also contribute to the preservation of peace and good neighborhood. If, in addition to these expedients, an eligible plan could be devised for promoting civilization among the friendly tribes, and for carrying on trade with them upon a scale equal to their wants and under regulations calculated to protect them from imposition and extortion, its influence in cementing their interests with ours could not but be considerable.

The prosperous state of our revenue has been intimated. This would be still more the case were it not for the impediments which in some places continue to embarrass the collection of the duties on spirits distilled within the United States. These impediments have lessened, and are lessening in local extent; and, as applied to the community at large, the contentment with the law appears to be progressive.

But symptoms of increased opposition having lately manifested themselves in certain quarters, I judged a special interposition on my part proper and advisable; and under this impression, have issued a proclamation warning against all unlawful combinations and proceedings having for their object or tending to obstruct the operation of the law in question, and announcing that all lawful ways and means would be strictly put in execution for bringing to justice the infractors thereof and for securing obedience thereto.

Measures have also been taken for the prosecution of offenders; and Congress may be assured that nothing within constitutional and legal limits, which may depend upon me, shall be wanting to assert and maintain the just authority of the laws. In fulfilling this trust, I shall count entirely upon the full co-operation of the other departments of the government, and upon the zealous support of all good citizens.

I can not forbear to bring again into the view of the legislature the subject of a revision of the judiciary system. A representation from the judges of the supreme court, which will be laid before you, points out some of the inconveniences that are experienced. In the course of the execution of the laws, considerations arise out of the structure of that system which in some cases tend to relax their efficacy. As connected with this subject, provisions to facilitate the taking of bail upon processes out of the courts of the United States, and a supplementary definition of offences against the constitution and laws of the Union and of the punishment for such offences, will, it is presumed, be found worthy of particular attention.

Observations on the value of peace with other nations are unnecessary. It would be wise, however, by timely provisions to guard against those acts of our own citizens which might tend to disturb it, and to put ourselves in a condition to give that satisfaction to foreign nations which we may sometimes have occasion to require from them. I particularly recommend to your consideration the means of preventing those aggressions by

our citizens on the territory of other nations, and other infractions of the law of nations, which, furnishing just subject of complaint, might endanger our peace with them. And, in general, the maintenance of a friendly intercourse with foreign powers will be presented to your attention by the expiration of the law for that purpose, which takes place, if not renewed, at the close of the present session.

In execution of the authority given by the legislature, measures have been taken for engaging some artists from abroad to aid in the establishment of our mint. Others have been employed at home. Provisions have been made of the requisite buildings, and these are now putting into proper condition for the purposes of the establishment. There has also been a small beginning in the coinage of half-dimes, the want of small coins in circulation calling the first attention to them.

The regulation of foreign coins, in correspondence with the principles of our national coinage, as being essential to their due operation and to order in our money concerns, will, I doubt not, be resumed and completed.

It is represented that some provisions of the law which establishes the postoffice operate, in experiment, against the transmission of newspapers to distant parts of the country. Should this, upon due inquiry, be found to be the fact, a full conviction of the importance of facilitating the circulation of political intelligence and information will, I doubt not, lead to the application of a remedy.

The adoption of a constitution for the state of Kentucky has been notified to me. The legislature will share with me in the satisfaction which arises from an event interesting to the happiness of the part of the nation to which it relates, and conducive to the general order.

It is proper likewise to inform you that, since my last communication on the subject, and in further execution of the acts severally making provision for the public debt and for the reduction thereof, three new loans have been effected, each for three millions of florins—one at Antwerp, at the annual interest of four and one half per cent. with an allowance of four per cent. in lieu of all charges; and the other two at Amsterdam, at the annual interest of four per cent. with an allowance of five and one half per cent. in one case, and of five per cent. in the other, in lieu of all charges. The rates of these loans, and the circumstances under which they have been made, are confirmations of the high state of our credit abroad.

Among the objects to which these funds have been directed to be applied, the payment of the debts due to certain foreign officers, according to the provision made during the last session, has been embraced.

Gentlemen of the House of Representatives:—

I entertain a strong hope that the state of the national finances is now sufficiently matured to enable you to enter upon a systematic and effectual arrangement for the regular redemption and discharge of the public debt, according to the right which has been reserved to the government. No measure can be more desirable, whether viewed with an eye to its intrinsic importance, or to the general sentiment and wish of the nation.

Provision is likewise requisite for the reimbursement of the loan which has been made of the bank of the United States, pursuant to the eleventh section of the act by which it is incorporated. In fulfilling the public stipulations in this particular, it is expected a valuable saving will be made.

Appropriations for the current service of the ensuing year, and for such

extraordinaries as may require provision, will demand, and I doubt no. will engage, your early attention.

Gentlemen of the House of Representatives :—

I content myself without recalling your attention generally to such objects, not particularized in my present, as have been suggested in my former communications to you.

Various temporary laws will expire during the present session. Among these, that which regulates trade and intercourse with the Indian tribes will merit particular notice.

The results of your common deliberations hitherto will, I trust, be productive of solid and durable advantages to our constituents ; such as, by conciliating more and more their ultimate suffrage, will tend to strengthen and confirm their attachment to that constitution of government upon which, under divine Providence, materially depend their union, their safety, and their happiness.

Still farther to promote and secure these inestimable ends, there is nothing which can have a more powerful tendency than the careful cultivation of harmony, combined with a due regard to stability, in the public councils.

PROCLAMATION.

APRIL 22, 1793.

WHEREAS, it appears that a state of war exists between Austria, Prussia, Sardinia, Great Britain, and the United Netherlands, on the one part, and France on the other, and the duty and interests of the United States require that they should with sincerity and good faith adopt and pursue a conduct friendly and impartial toward the belligerent powers :

I have therefore thought fit, by these presents, to declare the disposition of the United States to observe the conduct aforesaid toward those powers respectively, and to exhort and to warn the citizens of the United States carefully to avoid all acts and proceedings whatsoever which may in any manner tend to contravene such disposition.

And I do hereby also make known that whosoever of the citizens of the United States shall render himself liable to punishment or forfeiture under the law of nations, by committing, aiding, or abetting hostilities against any of the said powers, or by carrying to any of them those articles which are deemed contraband by the modern usage of nations, will not receive the protection of the United States against such punishment or forfeiture ; and further, that I have given instructions to those officers to whom it belongs to cause prosecutions to be instituted against all persons who shall, within the cognizance of the courts of the United States, violate the laws of nations with respect to the powers at war or any of them.

In testimony whereof I have caused the seal of the United States of America to be affixed to these presents, and signed the same with my hand. Done at the city of Philadelphia, the 22d day of April, one thousand seven hundred and ninety-three, and of the independence of the United States of America the seventeenth.

GEORGE WASHINGTON.

FIFTH ANNUAL ADDRESS.

DECEMBER 3, 1793.

Fellow-Citizens of the Senate and of the House of Representatives:—

SINCE the commencement of the term for which I have been again called into office, no fit occasion has arisen for expressing to my fellow-citizens at large the deep and respectful sense which I feel of the renewed testimony of public approbation. While, on the one hand, it awakened my gratitude for all those instances of affectionate partiality with which I have been honored by my country, on the other, it could not prevent an earnest wish for that retirement from which which no private consideration should ever have torn me. But, influenced by the belief that my conduct would be estimated according to its real motives, and that the people, and the authorities derived from them, would support exertions having nothing personal for their object, I have obeyed the suffrage which commanded me to resume the executive power; and I humbly implore that Being on whose will the fate of nations depends, to crown with success our mutual endeavors for the general happiness.

As soon as the war in Europe had embraced those powers with whom the United States have the most extensive relations, there was reason to apprehend that our intercourse with them might be interrupted, and our disposition for peace drawn into question by the suspicions too often entertained by belligerent nations. It seemed, therefore, to be my duty to admonish our citizens of the consequences of a contraband trade and of hostile acts to any of the parties, and to obtain, by a declaration of the existing legal state of things, an easier admission of our right to the immunities belonging to our situation. Under these impressions, the proclamation which will be laid before you was issued.

In this posture of affairs, both new and delicate, I resolved to adopt general rules which should conform to the treaties and assert the privileges of the United States. These were reduced into a system, which will be communicated to you. Although I have not thought myself at liberty to forbid the sale of the prizes permitted by our treaty of commerce with France to be brought into our ports, I have not refused to cause them to be restored when they were taken within the protection of our territory, or by vessels commissioned or equipped in a warlike form within the limits of the United States.

It rests with the wisdom of Congress to correct, improve, or enforce this plan of procedure; and it will probably be found expedient to extend the legal code and the jurisdiction of the courts of the United States to many cases which, though dependent on principles already recognised, demand some further provisions.

Where individuals shall, within the United States, array themselves in hostility against any of the powers at war, or enter upon military expeditions or enterprises within the jurisdiction of the United States, or usurp and exercise judicial authority within the United States, or where the penalties on violations of the law of nations may have been indistinctly marked, or are inadequate, these offences can not receive too early and close an attention, and require prompt and decisive remedies.

Whatsoever those remedies will be, they will be well administered by

the judiciary, who possess a long-established course of investigation, official process, and officers in the habit of executing it.

In like manner, as several of the courts have doubted, under particular circumstances, their power to liberate the vessels of a nation at peace, and even of a citizen of the United States, although seized under a false color being hostile property, and have denied their powers to liberate certain captures within the protection of our territory, it would seem proper to regulate their jurisdiction in these points. But if the executive is to be the resort in either of the two last-mentioned cases, it is hoped that he will be authorized by law to have facts ascertained by the courts, when for his own information he shall require it.

I can not recommend to your notice measures for the fulfilment of our duties to the rest of the world without again pressing upon you the necessity of placing ourselves in a condition of complete defence, and of exacting from them the fulfilment of their duties toward us. The United States ought not to indulge a persuasion that, contrary to the order of human events, they will for ever keep at a distance those painful appeals to arms with which the history of every other nation abounds. There is a rank due to the United States among nations which will be withheld, if not absolutely lost, by the reputation of weakness. If we desire to avoid insult, we must be able to repel it. If we desire to secure peace, one of the most powerful instruments of our rising prosperity, it must be known that we are at all times ready for war. The documents which will be presented to you will show the amount and kinds of arms and military stores now in our magazines and arsenals; and yet an addition even to these supplies can not, with prudence, be neglected, as it would leave nothing to the uncertainty of procuring a warlike apparatus in the moment of public danger.

Nor can such arrangements, with such objects, be exposed to the censure or jealousy of the warmest friends of republican government. They are incapable of abuse in the hands of the militia, who ought to possess a pride in being the depository of the force of the republic, and may be trained to a degree of energy equal to every military exigency of the United States. But it is an inquiry which can not be too solemnly pursued, whether the act "more effectually to provide for the national defence by establishing a uniform militia throughout the United States," has organized them so as to produce their full effect; whether your own experience in the several states has not detected some imperfections in the scheme; and whether a material feature in an improvement of it ought not to be to afford an opportunity for the study of those branches of the military art which can scarcely ever be attained by practice alone.

The connexion of the United States with Europe has become extremely interesting. The occurrences which relate to it and have passed under the knowledge of the Executive, will be exhibited to Congress in a subsequent communication.

When we contemplate the war on our frontiers, it may be truly affirmed that every reasonable effort has been made to adjust the causes of dissension with the Indians north of the Ohio. The instructions given to the commissioners evince a moderation and equity proceeding from a sincere love of peace, and a liberality having no restriction but the essential interests and dignity of the United States. The attempt, however, of an amicable negotiation having been frustrated, the troops have marched to act offensively. Although the proposed treaty did not arrest the progress

of military preparation, it is doubtful how far the advance of the season, before good faith justified active movements, may retard them during the remainder of the year. From the papers and intelligence which relate to this important subject, you will determine whether the deficiency in the number of troops granted by law shall be compensated by succors of militia, or whether additional encouragements shall be proposed to recruits.

An anxiety has been also demonstrated by the executive for peace with the Creeks and the Cherokees. The former have been relieved with corn and with clothing, and offensive measures against them prohibited during the recess of Congress. To satisfy the complaints of the latter, prosecutions have been instituted for the violences committed upon them. But the papers which will be delivered to you disclose the critical footing on which we stand in regard to both those tribes; and it is with Congress to pronounce what shall be done.

After they shall have provided for the present emergency, it will merit their most serious labors to render tranquillity with the savages permanent by creating ties of interest. Next to a rigorous execution of justice on the violators of peace, the establishment of commerce with the Indian nations, on behalf of the United States, is most likely to conciliate their attachment. But it ought to be conducted without fraud, without extortion, with constant and plentiful supplies; with a ready market for the commodities of the Indians, and a stated price for what they give in payment and receive in exchange. Individuals will not pursue such a traffic, unless they be allured by the hope of profit; but it will be enough for the United States to be reimbursed only. Should this recommendation accord with the opinion of Congress, they will recollect that it can not be accomplished by any means yet in the hands of the Executive.

Gentlemen of the House of Representatives:—

The commissioners charged with the settlement of accounts between the United States and individual states, concluded their important functions within the time limited by law; and the balances struck in their report, which will be laid before Congress, have been placed on the books of the treasury.

On the first day of June last, an instalment of one million of florins became payable on the loans of the United States in Holland. This was adjusted by a prolongation of the period of reimbursement, in the nature of a new loan, at an interest of five per cent., for the term of ten years; and the expenses of this operation were a commission of three per cent.

The first instalment of the loan of two millions of dollars from the bank of the United States has been paid, as was directed by law. For the second, it is necessary that provision should be made.

No pecuniary consideration is more urgent than the regular redemption and discharge of the public debt. On none can delay be more injurious, or an economy of time more valuable.

The productiveness of the public revenues hitherto, has continued to equal the anticipations which were formed of it; but it is not expected to prove commensurate with all the objects which have been suggested. Some auxiliary provisions will, therefore, it is presumed, be requisite; and it is hoped that these may be made consistently with a due regard to the convenience of our citizens, who can not but be sensible of the true wisdom of encountering a small present addition to their contributions, to obviate a future accumulation of burdens.

But here I can not forbear to recommend a repeal of the tax on the transportation of public prints. There is no resource so firm for the government of the United States as the affections of the people, guided by an enlightened policy; and to this primary good, nothing can conduce more than a faithful representation of public proceedings, diffused without restraint throughout the United States.

An estimate of the appropriations necessary for the current service of the ensuing year, and a statement of a purchase of arms and military stores made during the recess, will be presented to Congress.

Gentlemen of the House of Representatives:—

The several subjects to which I have now referred, open a wide range to your deliberations and involve some of the choicest interests of our common country. Permit me to bring to your remembrance the magnitude of your task. Without an unprejudiced coolness, the welfare of the government may be hazarded; without harmony, as far as consists with freedom of sentiment, its dignity may be lost. But, as the legislative proceedings of the United States will never, I trust, be reproached for the want of temper or of candor, so shall not the public happiness languish for the want of my strenuous and warmest co-operation.

SPECIAL MESSAGE.

DECEMBER 5, 1793.

Gentlemen of the Senate and House of Representatives:—

As the present situation of the several nations of Europe, and especially of those with which the United States have important relations, can not but render the state of things between them and us matter of interesting inquiry to the legislature, and may indeed give rise to deliberations to which they alone are competent, I have thought it my duty to communicate to them certain correspondences which have taken place.

The representative and executive bodies of France have manifested generally a friendly attachment to this country, have given advantages to our commerce and navigation, and have made overtures for placing these advantages on permanent ground. A decree, however, of the national assembly, subjecting vessels laden with provisions to be carried into their ports, and making enemy goods lawful prize in the vessels of a friend, contrary to our treaty, though revoked at one time as to the United States, has been since extended to their vessels also, as has been recently stated to us. Representations on this subject will be immediately given in charge to our minister there, and the result shall be communicated to the legislature.

It is with extreme concern I have to inform you that the proceedings of the person whom they have unfortunately appointed their minister plenipotentiary here have breathed nothing of the friendly spirit of the nation which sent him. Their tendency, on the contrary, has been to involve us in war abroad, and discord and anarchy at home. So far as his acts or those of his agents have threatened our immediate commitment in the war, or flagrant insult to the authority of the laws, their effect has been coun-

teracted by the ordinary cognizance of the laws, and by an exertion of the powers confided to me. Where their danger was not imminent, they have been borne with from sentiments of regard to his nation, from a sense of their friendship toward us, from a conviction that they would not suffer us to remain long exposed to the action of a person who has so little respected our mutual dispositions, and from a reliance on the firmness of my fellow-citizens in their principles of peace and order. In the meantime, I have respected and pursued the stipulations of our treaties, according to what I judged their true sense, and have withheld no act of friendship which their affairs have called for from us, and which justice to others left us free to perform. I have gone further. Rather than employ force for the restitution of certain vessels which I deemed the United States bound to restore, I thought it more advisable to satisfy the parties by avowing it to be my opinion that, if restitution were not made, it would be incumbent on the United States to make compensation. The papers now communicated will more particularly apprize you of these transactions.

The vexations and spoliations understood to have been committed on our vessels and commerce by the cruisers and officers of some of the belligerent powers, appeared to require attention. The proofs of these, however, not having been brought forward, the description of citizens supposed to have suffered were notified that, on furnishing them to the executive, due measures would be taken to obtain redress of the past and more effectual provisions against the future. Should such documents be furnished, proper representations will be made thereon, with a just reliance on a redress proportioned to the exigency of the case.

The British government having undertaken, by orders to the commanders of their armed vessels, to restrain generally our commerce in corn and other provisions to their own ports and those of their friends, the instructions now communicated were immediately forwarded to our minister at that court. In the meantime, some discussions on the subject took place between him and them. These are also laid before you, and I may expect to learn the result of his special instructions in time to make it known to the legislature during their present session.

Very early after the arrival of a British minister here, mutual explanations on the inexecution of the treaty of peace were entered into with that minister. These are now laid before you for your information.

On the subject of mutual interest between this country and Spain, negotiations and conferences are now depending. The public good requiring that the present state of these should be made known to the legislature *in confidence only*, they shall be the subject of a separate and subsequent communication.

PROCLAMATION.

AUGUST 7, 1794.

WHEREAS, combinations to defeat the execution of the laws laying duties upon spirits distilled within the United States and upon stills have, from the time of the commencement of those laws, existed in some of the western parts of Pennsylvania: and whereas, the said combinations, pro-

ceeding in a manner subversive equally of the just authority of govern ment and of the rights of individuals, have hitherto effected their dangerous and criminal purpose by the influence of certain irregular meetings whose proceedings have tended to encourage and uphold the spirit of opposition by misrepresentations of the laws calculated to render them odious; by endeavors to deter those who might be so disposed from accepting offices under them through fear of public resentments and of injury to person and property, and to compel those who had accepted such offices by actual violence to surrender or forbear the execution of them; by circulating vindictive measures against all who should otherwise, directly or indirectly, aid in the execution of the said laws, or who, yielding to the dictates of conscience and to a sense of obligation, should themselves comply therewith; by actually injuring and destroying the property of persons who were understood to have so complied; by inflicting cruel, humiliating punishments upon private citizens for no other cause than that of appearing to be the friends of the laws; by interrupting the public officers on the highways, abusing, assaulting, and otherwise ill treating them; by going to their houses in the night, gaining admittance by force, taking away their papers, and committing other outrages; employing for these unwarrantable purposes the agency of armed banditti, disguised in such a manner as for the most part to escape discovery: and whereas, the endeavors of the legislature to obviate objections to the said laws, by lowering the duties and by other alterations conducive to the convenience of those whom they immediately affected (though they have given satisfaction in other quarters), and the endeavors of the executive officers to conciliate a compliance with the laws, by expostulation, by forbearance, and even by recommendations founded on the suggestion of local considerations, have been disappointed of their effect by the machinations of persons whose industry to excite resistance has increased with the appearance of a disposition among the people to relax in their opposition and to acquiesce in the laws; insomuch that many persons in the said western parts of Pennsylvania have at length been hardy enough to perpetrate acts which I am advised amount to treason, being overt acts of levying war against the United States; the said persons having, on the sixteenth and seventeenth of July last, proceeded in arms (on the second day amounting to several hundred) to the house of John Neville, inspector of the revenues for the fourth survey of the districts of Pennsylvania—having repeatedly attacked the said house with the persons therein, wounding some of them—having seized David Lennox, marshal of the district of Pennsylvania, who previously thereto had been fired upon while in the execution of his duty, by a party of men, detaining him for some time prisoner, till for the preservation of his life and obtaining of his liberty he found it necessary to enter into stipulations to forbear the execution of certain official duties touching processes issuing out of the court of the United States—and having finally obliged the said inspector of the revenue and the marshal, from considerations of personal safety, to fly from this part of the country, in order, by a circuitous route, to proceed to the seat of government, avowing as the motives of these outrageous proceedings an intention to prevent by force of arms the execution of the said laws, to oblige the said inspector of the revenues to renounce his office, to withstand by open violence the lawful authority of the government of the United States, and to compel thereby an alteration in the measures of the legislature, and a repeal of the laws aforesaid: and whereas, by a law of the United States,

entitled, "An act to provide for calling forth the militia to execute the laws of the Union, suppress insurrections, and repel invasions," it is enacted, "that whenever the laws of the United States shall be opposed, or the execution thereof obstructed, in any state by combinations too powerful to be suppressed by the ordinary course of judicial proceedings, or by the power vested in the marshals by that act, the same being notified by an associate justice or the district judges, it shall be lawful for the president of the United States to call forth the militia of said state to suppress such combinations, and to cause the laws to be duly executed. And if the militia of a state where such combinations may happen, shall refuse or shall be insufficient to suppress the same, it shall be lawful for the president, if the legislature of the United States shall not be in session, to call forth and employ such numbers of the militia of any other state or states most convenient thereto as may be necessary; and the use of the militia so to be called forth may be continued, if necessary, until the expiration of thirty days after the commencement of the ensuing session; *Provided always*, that whenever it may be necessary in the judgment of the president to use the military force hereby directed to be called forth, the president shall forthwith, and previous thereto, by proclamation, command such insurgents to disperse, and retire peaceably to their respective abodes within a limited time:" and whereas, James Wilson, an associate justice, on the fourth instant, by writing under his hand, did, from evidence which had been laid before him, notify to me that "in the counties of Washington and Allegany, in Pennsylvania, the laws of the United States are opposed, and the execution thereof obstructed, by combinations too powerful to be suppressed by the ordinary course of judicial proceedings, or by the powers vested in the marshal of that district:"

And whereas, it is in my judgment necessary, under the circumstances of the case, to take measures for calling forth the militia in order to suppress the combination aforesaid, and to cause the laws to be duly executed; and I have accordingly determined so to do, feeling the deepest regret for the occasion, but withal the most solemn conviction that the essential interests of the Union demand it, that the very existence of government and the fundamental principles of social order are materially involved in the issue, and that the patriotism and firmness of all good citizens are seriously called upon as occasion may require, to aid in the effectual suppression of so fatal a spirit:

Wherefore, and in pursuance of the provision above recited, I, George Washington, president of the United States, do hereby command all persons, being insurgents as aforesaid, and all others whom it may concern, on or before the first day of September next, to disperse and return peaceably to their respective abodes. And I do moreover warn all persons whomsoever against aiding, abetting, or comforting, the perpetrators of the aforesaid treasonable acts; and do require all officers, and other citizens, according to their respective duties and the law of the land, to exert their utmost endeavors to prevent and suppress such dangerous proceedings.

In testimony whereof, I have caused the seal of the United States of America to be affixed to these presents, and signed the same with my hand. Done at the city of Philadelphia, the seventh day of August, one thousand seven hundred and ninety-four, and of the independence of the United States of America the nineteenth.

GEORGE WASHINGTON.

PROCLAMATION.

SEPTEMBER 25, 1794.

WHEREAS, from a hope that the combination against the constitution and laws of the United States in certain of the western counties of Pennsylvania, would yield to time and reflection, I thought it sufficient in the first instance rather to *take measures* for calling forth the militia than immediately to embody them; but the moment is now come when the overtures of forgiveness, with no other condition than a submission to law, have been only partially accepted; when every form of conciliation not inconsistent with the being of government has been adopted without effect; when the well-disposed in those counties are unable by their influence and example to reclaim the wicked from their fury, and are compelled to associate in their own defence; when the proffered lenity has been perversely misinterpreted into an apprehension that the citizens will march with reluctance; when the opportunity of examining the serious consequences of a treasonable opposition has been employed in propagating principles of anarchy, endeavoring through emissaries to alienate the friends of order from its support, and inviting its enemies to perpetrate similar acts of insurrection; when it is manifest that violence would continue to be exercised upon every attempt to enforce the laws; when, therefore, government is set at defiance, the contest being whether a small portion of the United States shall dictate to the whole Union, and, at the expense of those who desire peace, indulge a desperate ambition:

Now, therefore, I, George Washington, president of the United States, in obedience to that high and irresistible duty consigned to me by the constitution "to take care that the laws be faithfully executed," deploring that the American name should be sullied by the outrages of citizens on their own government, commiserating such as remain obstinate from delusion, but resolved, in perfect reliance on that gracious Providence which so signally displays its goodness toward this country, to reduce the refractory to a due subordination to the laws, do hereby declare and make known, with a satisfaction which can be equalled only by the merits of the militia summoned into service from the states of New Jersey, Pennsylvania, Maryland, and Virginia, that I have received intelligence of their patriotic alacrity in obeying the call of the present, though painful, yet commanding necessity; that a force which, according to every reasonable expectation, is adequate to the exigency, is already in motion to the scene of disaffection; that those who shall have confided or shall confide in the protection of government shall meet full succor under the standard and from the arms of the United States; that those who, having offended against the laws, have since entitled themselves to indemnity, will be treated with the most liberal good faith, if they shall not have forfeited their claim by any subsequent conduct, and that instructions are given accordingly.

And I do moreover exhort all individuals, officers and bodies of men to contemplate with abhorrence the measures leading directly or indirectly to those crimes which produce this resort to military coercion; to check, in their respective spheres, the efforts of misguided or designing men to substitute their misrepresentation in the place of truth, and their discontents in the place of stable government; and to call to mind that, as the people of the United States have been permitted, under the Divine favor, in per-

fect freedom, after solemn deliberation, and in an enlightened age, to elect their own government, so will their gratitude for this inestimable blessing be best distinguished by firm exertion to maintain the constitution and the laws.

And lastly, I again warn all persons whomsoever and wheresoever, not to abet, aid, or comfort, the insurgents aforesaid, as they will answer the contrary at their peril; and I do also require all officers and other citizens, as far as may be in their power, to bring under the cognizance of the laws all offenders in the premises.

In testimony whereof, I have caused the seal of the United States of America to be affixed to these presents, and signed the same with my hand. Done at the city of Philadelphia, the twenty-fifth day of September, one thousand seven hundred and ninety-four, and of the independence of the United States of America the nineteenth.

GEORGE WASHINGTON.

SIXTH ANNUAL ADDRESS.

NOVEMBER 19, 1794.

Fellow-Citizens of the Senate and House of Representatives:—

WHEN we call to mind the gracious indulgence of Heaven, by which the American people became a nation; when we survey the general prosperity of our country, and look forward to the riches, power, and happiness, to which it seems destined; with the deepest regret do I announce to you that, during your recess, some of the citizens of the United States have been found capable of an insurrection. It is due, however, to the character of our government, and to its stability, which can not be shaken by the enemies of order, freely to unfold the course of this event.

During the session of the year one thousand seven hundred and ninety, it was expedient to exercise the legislative power, granted by the constitution of the United States, "to lay and collect excises." In a majority of the states, scarcely an objection was made to this mode of taxation. In some, indeed, alarms were at first conceived, until they were banished by reason and patriotism. In the four western counties of Pennsylvania, a prejudice, fostered and embittered by the artifice of men who labored for an ascendency over the will of others by the guidance of their passions, produced symptoms of riot and violence. It is well known that Congress did not hesitate to examine the complaints which were presented, and to relieve them as far as justice dictated or general convenience would permit. But the impression which this moderation made on the discontented did not correspond with what it deserved. The arts of delusion were no longer confined to the efforts of designing individuals. The very forbearance to press prosecution was misinterpreted into a fear of urging the execution of the laws, and associations of men began to denounce threats against the officers employed. From a belief that by a more formal concert their operation might be defeated, certain self-created societies assumed the tone of condemnation. Hence, while the greater part of Pennsylvania itself were conforming themselves to the acts of excise, a few counties were resolved to frustrate them. It was now per-

ceived that every expectation from the tenderness which had been hitherto pursued was unavailing, and that further delay could only create an opinion of impotency or irresolution in the government. Legal process was therefore delivered to the marshal against the rioters and delinquent distillers.

No sooner was he understood to be engaged in this duty, than the vengeance of armed men was aimed at *his* person and the person and property of the inspector of the revenue. They fired upon the marshal, arrested him, and detained him for some time as a prisoner. He was obliged, by the jeopardy of his life, to renounce the service of other process on the west side of the Allegany mountains; and a deputation was afterward sent to him to demand a surrender of that which he had served. A numerous body repeatedly attacked the house of the inspector, seized his papers of office, and finally destroyed by fire his buildings and whatsoever they contained. Both of these officers, from a just regard to their safety, fled to the seat of government, it being avowed that the motives to such outrages were to compel the resignation of the inspector, to withstand by force of arms the authority of the United States, and thereby extort a repeal of the laws of excise and an alteration in the conduct of government.

Upon the testimony of these facts, an associate justice of the supreme court of the United States notified to me that, "in the counties of Washington and Allegany, in Pennsylvania, laws of the United States were opposed, and the execution thereof obstructed, by combinations too powerful to be suppressed by the ordinary course of judicial proceedings, or by the powers vested in the marshal of that district." On this call, momentous in the extreme, I sought and weighed what might best subdue the crisis. On the one hand, the judiciary was pronounced to be stripped of its capacity to enforce the laws; crimes which reached the very existence of social order were perpetrated without control; the friends of government were insulted, abused, and overawed into silence, or an apparent acquiescence; and, to yield to the treasonable fury of so small a portion of the United States would be to violate the fundamental principle of our constitution, which enjoins that the will of the majority shall prevail. On the other, to array citizen against citizen, to publish the dishonor of such excesses, to encounter the expense and other embarrassments of so distant an expedition, were steps too delicate, too closely interwoven with many affecting considerations, to be lightly adopted. I postponed, therefore, the summoning of the militia immediately into the field; but I required them to be held in readiness, that if my anxious endeavors to reclaim the deluded and to convince the malignant of their danger should be fruitless, military force might be prepared to act, before the season should be too far advanced.

My proclamation of the 7th of August last, was accordingly issued, and accompanied by the appointment of commissioners, who were charged to repair to the scene of insurrection. They were authorized to confer with any bodies of men or individuals. They were instructed to be candid and explicit in stating the sensations which had been excited in the executive, and his earnest wish to avoid a resort to coercion; to represent, however, that, without submission, coercion *must* be the resort; but to invite them, at the same time, to return to the demeanor of faithful citizens, by such accommodations as lay within the sphere of executive power. Pardon, too, was tendered to them by the government of the United States and that of Pennsylvania, upon no other condition than a satisfactory assurance of obedience to the laws.

Although the report of the commissioners marks their firmness and abilities, and must unite all virtuous men, by showing that the means of conciliation have been exhausted, all of those who had committed or abetted the tumults did not subscribe the mild form which was proposed as the atonement, the indications of a peaceable temper were neither sufficiently general nor conclusive to recommend or warrant the farther suspension of the march of the militia.

Thus the painful alternative could not be discarded. I ordered the militia to march, after once more admonishing the insurgents, in my proclamation on the 25th of September last.

It was a task too difficult to ascertain with precision, the lowest degree of force competent to the quelling of the insurrection. From a respect, indeed, to economy, and the ease of my fellow-citizens belonging to the militia, it would have gratified me to accomplish such an estimate. My very reluctance to ascribe too much importance to the opposition, had its extent been accurately seen, would have been a decided inducement to the smallest efficient numbers. In this uncertainty, therefore, I put into motion fifteen thousand men, as being an army which, according to all human calculation, would be prompt and adequate in every view, and might, perhaps, by rendering resistance desperate, prevent the effusion of blood. Quotas had been assigned to the states of New Jersey, Pennsylvania, Maryland, and Virginia; the governor of Pennsylvania having declared, on this occasion, an opinion which justified a requisition to the other states.

As commander-in-chief of the militia when called into the actual service of the United States, I have visited the places of general rendezvous to obtain more exact information, and to direct a plan for ulterior movements. Had there been room for a persuasion that the laws were secure from obstruction; that the civil magistrate was able to bring to justice such of the most culpable as have not embraced the proffered terms of amnesty, and may be deemed fit objects of example; that the friends to peace and good government were not in need of that aid and countenance which they ought always to receive, and, I trust, ever will receive, against the vicious and turbulent; I should have caught with avidity the opportunity of restoring the militia to their families and homes. But succeeding intelligence has tended to manifest the necessity of what has been done, it being now confessed by those who were not inclined to exaggerate the ill conduct of the insurgents, that their malevolence was not pointed merely to a particular law, but that a spirit inimical to all order has actuated many of the offenders. If the state of things had afforded reason for the continuance of my presence with the army, it would not have been withholden. But every appearance assuring such an issue as will redound to the reputation and strength of the United States, I have judged it most proper to resume my duties at the seat of government, leaving the chief command with the governor of Virginia.

Still, however, as it is probable that, in a commotion like the present, whatsoever may be the pretence, the purposes of mischief and revenge may not be laid aside, the stationing of a small force, for a certain period, in the four western counties of Pennsylvania will be indispensable, whether we contemplate the situation of those who are connected with the execution of the laws, or of others who may have exposed themselves by an honorable attachment to them. Thirty days from the commencement of this session being the legal limitation of the employment of the militia, Congress can not be too early occupied with this subject.

Among the discussions which may arise from this aspect of our affairs, and from the documents which will be submitted to Congress, it will not escape their observation that not only the inspector of the revenue, but other officers of the United States in Pennsylvania, have, from their fidelity in the discharge of their functions, sustained material injuries to their property. The obligation and policy of indemnifying them are strong and obvious. It may also merit attention, whether policy will not enlarge this provision to the retribution of other citizens, who, though not under the ties of office, may have suffered damage by their generous exertions for upholding the constitution and the laws. The amount, even if all the injured were included, would not be great; and on future emergencies, the government would be amply repaid by the influence of an example that he who incurs a loss in its defence, shall find a recompense in its liberality.

While there is cause to lament that occurrences of this nature should have disgraced the name or interrupted the tranquillity of any part of our community, or should have diverted to a new application any portion of the public resources, there are not wanting real and substantial consolations for the misfortune. It has demonstrated that our prosperity rests on solid foundations, by furnishing an additional proof that my fellow-citizens understand the true principles of government and liberty; that they feel their inseparable union; that, notwithstanding all the devices which have been used to sway them from their interest and duty, they are now as ready to maintain the authority of the laws against licentious invasions, as they were to defend their rights against usurpation. It has been a spectacle displaying to the highest advantage the value of republican government, to behold the most and the least wealthy of our citizens standing in the same ranks as private soldiers, pre-eminently distinguished by being the army of the constitution—undeterred by a march of three hundred miles over rugged mountains, by the approach of an inclement season, or by any other discouragement. Nor ought I to omit to acknowledge the efficacious and patriotic co-operations which I have experienced from the chief magistrates of the states to which my requisitions have been addressed.

To every description of citizens, indeed, let praise be given. But let them persevere in their affectionate vigilance over that precious depository of American happiness, the constitution of the United States. Let them cherish it, too, for the sake of those who, from every clime, are daily seeking a dwelling in our land. And when, in the calm moments of reflection, they shall have traced the origin and progress of the insurrection, let them determine whether it has not been fomented by combinations of men, who, careless of consequences, and disregarding the unerring truth that those who rouse can not always appease a civil convulsion, have disseminated, from an ignorance or perversion of facts, suspicions, jealousies, and accusations of the whole government.

Having thus fulfilled the engagement which I took, when I entered into office, "to the best of my ability to preserve, protect, and defend the constitution of the United States," on you, gentlemen, and the people by whom you are deputed, I rely for support.

In the arrangements to which the possibility of a similar contingency will naturally draw your attention, it ought not to be forgotten that the militia laws have exhibited such striking defects as could not have been supplied but by the zeal of our citizens. Besides the extraordinary ex-

pense and waste, which are not the least of the defects, every appeal to those laws is attended with a doubt on its success.

The devising and establishing of a well-regulated militia, would be a genuine source of legislative honor, and a perfect title to public gratitude. I therefore entertain a hope that the present session will not pass without carrying to its full energy the power of organizing, arming, and disciplining the militia; and thus providing, in the language of the constitution, for calling them forth to execute the laws of the Union, suppress insurrections, and repel invasions.

As auxiliary to the state of our defence, to which Congress can never too frequently recur, they will not omit to inquire whether the fortifications which have been already licensed by law be commensurate with our existence.

The intelligence from the army under the command of General Wayne is a happy presage to our military operations against the hostile Indians north of the Ohio. From the advices which have been forwarded, the advance which he has made must have damped the ardor of the savages, and weakened their obstinacy in waging war against the United States. And yet, even at this late hour, when our power to punish them can not be questioned, we shall not be unwilling to cement a lasting peace upon terms of candor, equity, and good neighborhood.

Toward none of the Indian tribes have overtures of friendship been spared. The Creeks, in particular, are covered from encroachment by the interposition of the general government and that of Georgia. From a desire, also, to remove the discontent of the Six Nations, a settlement meditated at Presqu' isle, on Lake Erie, has been suspended, and an agent is now endeavoring to rectify any misconception into which they may have fallen. But I can not refrain from again pressing upon your deliberations the plan which I recommended at the last session for the improvement of harmony with all the Indians within our limits, by the fixing and conducting of the trading houses upon the principles then expressed.

Gentlemen of the House of Representatives:—

The time which has elapsed since the commencement of our fiscal measures, has developed our pecuniary resources so as to open the way for a definitive plan for the redemption of the public debt. It is believed that the result is such as to encourage Congress to consummate this work without delay. Nothing can more promote the permanent welfare of the nation, and nothing would be more grateful to our constituents. Indeed, whatever is unfinished of our system of public credit, can not be benefited by procrastination; and, as far as may be practicable, we ought to place that credit on grounds which can not be disturbed, and to prevent that progressive accumulation of debt which must ultimately endanger all governments.

An estimate of the necessary appropriations, including the expenditures into which we have been driven by the insurrection, will be submitted to Congress.

Gentlemen of the Senate and House of Representatives:—

The mint of the United States has entered upon the coinage of the precious metals, and considerable sums of defective coins and bullion have been lodged with the director by individuals. There is a pleasing prospect that the institution will, at no remote day, realize the expectation which was originally formed of its utility.

In subsequent communications, certain circumstances of our intercourse with foreign nations will be transmitted to Congress. However, it may not be unseasonable to announce that my policy in our foreign transactions has been to cultivate peace with all the world; to observe the treaties with pure and absolute faith; to check every deviation from the line of impartiality; to explain what may have been misapprehended, and correct what may have been injurious to any nation; and having thus acquired the right, to lose no time in acquiring the ability, to insist upon justice being done to ourselves.

Let us unite, therefore, in imploring the Supreme Ruler of nations to spread his holy protection over these United States; to turn the machinations of the wicked to the confirming of our constitution; to enable us at all times to root out internal sedition and put invasion to flight; to perpetuate to our country that prosperity which his goodness has already conferred, and to verify the anticipations of this government being a safeguard to human rights.

SEVENTH ANNUAL ADDRESS.

DECEMBER 8, 1795.

Fellow-Citizens of the Senate and House of Representatives:—

I TRUST I do not deceive myself while I indulge the persuasion that I have never met you at any period when, more than at the present, the situation of our public affairs has afforded just cause for mutual congratulation, and for inviting you to join with me in profound gratitude to the Author of all good for the numerous and extraordinary blessings we enjoy.

The termination of the long, expensive, and distressing war in which we have been engaged with certain Indians northwest of the Ohio, is placed in the option of the United States by a treaty which the commander of our army has concluded provisionally with the hostile tribes in that region.

In the adjustment of the terms, the satisfaction of the Indians was deemed an object worthy no less of the policy than of the liberality of the United States as the necessary basis of durable tranquillity. The object, it is believed, has been fully attained. The articles agreed upon will immediately be laid before the senate for their consideration.

The Creek and Cherokee Indians, who alone of the southern tribes had annoyed our frontiers, have lately confirmed their pre-existing treaties with us, and were giving evidence of a sincere disposition to carry them into effect by the surrender of the prisoners and property they had taken. But we have to lament that the aid and prospect in this quarter has been once more clouded by wanton murders, which some citizens of Georgia are represented to have recently perpetrated on hunting parties of the Creeks, which have again subjected that frontier to disquietude and danger, which will be productive of further expense, and may occasion more effusion of blood. Measures are pursuing to prevent or mitigate the usual consequences of such outrages, and with the hope of their succeeding, at least, to avert general hostility.

A letter from the emperor of Morocco announces to me his recognition

of our treaty made with his father the late emperor, and consequently the continuance of peace with that power. With peculiar satisfaction, I add, that information has been received from an agent deputed on our part to Algiers, importing that the terms of a treaty with the dey and regency of that country had been adjusted in such a manner as to authorize the expectation of a speedy peace and the restoration of our unfortunate fellow-citizens from a grievous captivity.

The latest advices from our envoy at the court of Madrid give, moreover, the pleasing information that he had received assurances of a speedy and satisfactory conclusion of his negotiation. While the event depending upon unadjusted particulars, can not be regarded as ascertained, it is agreeable to cherish the expectation of an issue which, securing amicably very essential interests of the United States, will at the same time lay the foundation of lasting harmony with a power whose friendship we have uniformly and sincerely desired to cultivate.

Though not before officially disclosed to the house of representatives, you, gentlemen, are all apprized that a treaty of amity, commerce, and navigation, has been negotiated with Great Britain, and that the senate have advised and consented to its ratification upon a condition which excepts part of one article. Agreeably thereto, and to the best judgment I was able to form of the public interest, after full and mature deliberation, I have added my sanction. The result on the part of his Britannic majesty is unknown. When received, the subject will without delay be placed before Congress.

This interesting summary of our affairs with regard to foreign powers, between whom and the United States controversies have subsisted, and with regard also to those of our Indian neighbors with whom we have been in a state of enmity or misunderstanding, opens a wide field for consoling and gratifying reflections. If, by prudence and moderation on every side, the extinguishment of all the causes of external discord which have heretofore menaced our tranquillity, on terms compatible with our national rights and honor, shall be the happy result, how firm and how precious a foundation will have been laid for accelerating, maturing, and establishing, the prosperity of our country.

Contemplating the internal situation as well as the external relations of the United States, we discover equal cause for contentment and satisfaction. While many of the nations of Europe, with their American dependencies, have been involved in a contest unusually bloody, exhausting, and calamitous, in which the evils of foreign war have been aggravated by domestic convulsion and insurrection; in which many of the arts most useful to society have been exposed to discouragement and decay; in which scarcity of subsistence has imbittered other sufferings; while even the anticipations of a return of the blessings of peace and repose are alloyed by the sense of heavy and accumulating burdens, which press upon all the departments of industry, and threaten to clog the future springs of government, our favored country, happy in a striking contrast, has enjoyed general tranquillity—a tranquillity the more satisfactory because maintained at the expense of no duty. Faithful to ourselves, we have violated no obligation to others. Our agriculture, commerce, and manufactures, prosper beyond example, the molestations of our trade (to prevent a continuance of which, however, very pointed remonstrances have been made) being overbalanced by the aggregate benefits which derives from a neutral position. Our population advances with a celerity which, exceeding the

most sanguine calculations, proportionally augments our strength and resources, and guaranties our future security. Every part of the Union displays indications of rapid and various improvement; and with burdens so light as scarcely to be perceived, with resources fully adequate to our present exigencies, with governments founded on the genuine principles of rational liberty, and with mild and wholesome laws, is it too much to say that our country exhibits a spectacle of national happiness never surpassed, if ever before equalled?

Placed in a situation every way so auspicious, motives of commanding force impel us, with sincere acknowledgment to Heaven and pure love to our country, to unite our efforts to preserve, prolong, and improve, our immense advantages. To co-operate with you in this desirable work is a fervent and favorite wish of my heart.

It is a valuable ingredient in the general estimate of our welfare, that the part of our country which was lately the scene of disorder and insurrection now enjoys the blessings of quiet and order. The misled have abandoned their errors, and pay the respect to our constitution and laws which is due from good citizens to the public authorities of society. These circumstances have induced me to pardon generally the offenders here referred to, and to extend forgiveness to those who had been adjudged to capital punishment. For though I shall always think it a sacred duty to exercise with firmness and energy the constitutional powers with which I am vested, yet it appears to me no less consistent with the public good than it is with my personal feelings, to mingle, in the operations of government, every degree of moderation and tenderness which the national justice, dignity, and safety, may permit.

Gentlemen:—

Among the objects which will claim your attention in the course of the session, a review of our military establishment is not the least important. It is called for by the events which have changed, and may be expected still farther to change, the relative situation of our frontiers. In this review, you will doubtless allow due weight to the considerations that the questions between us and certain foreign powers are not yet finally adjusted, that the war in Europe is not yet terminated, and that our western posts, when recovered, will demand provision for garrisoning and securing them. A statement of our present militia force will be laid before you by the department of war.

With the review of our army establishment is naturally connected that of the militia. It will merit inquiry, what imperfections in the existing plan further experience may have unfolded. The subject is of so much moment in my estimation as to excite a constant solicitude that the consideration of it may be renewed, until the greatest attainable perfection shall be accomplished. Time is wearing away some advantages for forwarding the object, while none better deserves the persevering attention of the public councils.

While we indulge the satisfaction which the actual condition of our western borders so well authorizes, it is necessary that we should not lose sight of an important truth which continually receives new confirmations, namely, that the provisions heretofore made with a view to the protection of the Indians from the violence of the lawless part of our frontier inhabitants, are insufficient. It is demonstrated that these violences can now be perpetrated with impunity; and it can need no argument to prove

that, unless the murdering of Indians can be restrained by bringing the murderers to condign punishment, all the exertions of the government to prevent destructive retaliations by the Indians will prove fruitless, and all our present agreeable prospects illusory. The frequent destruction of innocent women and children, who are chiefly the victims of retaliation, must continue to shock humanity, and to be an enormous expense to drain the treasury of the Union.

To enforce upon the Indians the observance of justice, it is indispensable that there shall be competent means of rendering justice to them. If these means can be devised by the wisdom of Congress, and especially if there can be added an adequate provision for supplying the necessities of the Indians on reasonable terms (a measure the mention of which I the more readily repeat, as in all the conferences with them they urge it with solicitude), I should not hesitate to entertain a strong hope of rendering our tranquillity permanent. I add, with pleasure, that the probability even of their civilization is not diminished by the experiments which have been thus far made under the auspices of government. The accomplishment of this work, if practicable, will reflect undecaying lustre on our national character, and administer the most grateful consolations that virtuous minds can know.

Gentlemen of the House of Representatives:—

The state of our revenue, with the sums which have been borrowed and reimbursed pursuant to different acts of Congress, will be submitted from the proper department, together with an estimate of the appropriations necessary to be made for the service of the coming year.

Whether measures may not be advisable to reinforce the provision for the redemption of the public debt, will naturally engage your examination. Congress have demonstrated their sense to be, and it were superfluous to repeat mine, that whatsoever will tend to accelerate the honorable extinction of our public debt accords as much with the true interests of our country as with the general sense of our constituents.

Gentlemen of the Senate and of the House of Representatives:—

The statements which will be laid before you relative to the mint, will show the situation of that institution, and the necessity of some further legislative provisions for carrying the business of it more completely into effect, and for checking abuses which appear to be arising in particular quarters.

The progress in providing materials for the frigates, and in building them; the state of the fortifications of our harbors; the measures which have been pursued for obtaining proper sites for arsenals, and for replenishing our magazines with military stores; and the steps which have been taken toward the execution of the law for opening a trade with the Indians, will likewise be presented for the information of Congress.

Temperate discussion of the important subjects which may arise in the course of the session, and mutual forbearance where there is a difference of opinion, are too obvious and too necessary for the peace, happiness, and welfare of our country, to need any recommendation of mine.

EIGHTH ANNUAL ADDRESS.

DECEMBER 7, 1796.

Fellow-Citizens of the Senate and of the House of Representatives :—

IN recurring to the internal situation of our country since I had last the pleasure to address you, I find ample reason for a renewed expression of that gratitude to the Ruler of the universe which a continued series of prosperity has so often and so justly called forth.

The acts of the last session which required special arrangement, have been, as far as circumstances would admit, carried into operation.

Measures calculated to ensure a continuance of the friendship of the Indians and to preserve peace along the extent of our interior frontier, have been digested and adopted. In the framing of these care has been taken to guard on the one hand, our advanced settlements from the predatory incursions of those unruly individuals who can not be restrained by their tribes, and on the other hand, to protect the rights secured to the Indians by treaty; to draw them nearer to the civilized state, and inspire them with correct conceptions of the power, as well as justice, of the government.

The meeting of the deputies from the Creek nation at Colerain, in the state of Georgia, which had for a principal object the purchase of a parcel of their land by that state, broke up without its being accomplished, the nation having, previous to their departure, instructed them against making any sale. The occasion, however, has been improved to confirm, by a new treaty with the Creeks, their pre-existing engagements with the United States, and to obtain their consent to the establishment of trading-houses and military posts within their boundary, by means of which their friendship and the general peace may be more effectually secured.

The period during the late session at which the appropriation was passed for carrying into effect the treaty of amity, commerce and navigation between the United States and his Britannic majesty, necessarily procrastinated the reception of the posts stipulated to be delivered beyond the date assigned for that event. As soon, however, as the governor-general of Canada could be addressed with propriety on the subject, arrangements were cordially and promptly concluded for their evacuation; and the United States took possession of the principal of them, comprehending Oswego, Niagara, Detroit, Michilimackinac, and Fort Miami, where such repairs and additions have been ordered to be made as appeared indispensable.

The commissioners appointed on the part of the United States and of Great Britain to determine which is the river St. Croix mentioned in the treaty of peace of 1783, agreed in the choice of Egbert Benson, Esq., of New York, for the third commissioner. The whole met at St. Andrews, in Passamaquoddy bay, in the beginning of October, and directed surveys to be made of the rivers in dispute; but deeming it impracticable to have these surveys completed before the next year, they adjourned to meet at Boston, in August, 1797, for the final decision of the question.

Other commissioners, appointed on the part of the United States, agreeably to the seventh article of the treaty with Great Britain relative to captures and condemnation of vessels and other property, met the com

missioners of his Britannic majesty in London, in August last, when John Trumbull, Esq., was chosen by lot for the fifth commissioner. In October following, the board were to proceed to business. As yet, there has been no communication of commissioners on the part of Great Britain to unite with those who had been appointed on the part of the United States for carrying into effect the sixth article of the treaty.

The treaty with Spain required that the commissioners for running the boundary line between the territory of the United States and his catholic majesty's provinces of East and West Florida should meet at the Natchez before the expiration of six months after the exchange of the ratifications, which was effected at Aranjuez, on the 25th day of April; and the troops of his catholic majesty occupying any posts within the limits of the United States were, within the same period, to be withdrawn. The commissioner of the United States, therefore, commenced his journey for the Natchez in September, and troops were ordered to occupy the posts from which the Spanish garrisons should be withdrawn. Information has been recently received of the appointment of a commissioner on the part of his catholic majesty for running the boundary line; but none of any appointment for the adjustment of the claims of our citizens whose vessels were captured by the armed vessels of Spain.

In pursuance of the act of Congress, passed in the last session, for the protection and relief of American seamen, agents were appointed, one to reside in Great Britain and the other in the West Indies. The effects of the agency in the West Indies are not yet fully ascertained; but those which have been communicated afford grounds to believe the measure will be beneficial. The agent destined to reside in Great Britain declining to accept the appointment, the business has consequently devolved on the minister of the United States in London, and will command his attention until a new agent shall be appointed.

After many delays and disappointments arising out of the European war, the final arrangements for fulfilling the engagements made to the dey and regency of Algiers will, in all present appearance, be crowned with success, but under great though inevitable disadvantages in the pecuniary transactions occasioned by that war, which will render further provision necessary. The actual liberation of all our citizens who were prisoners in Algiers, while it gratifies every feeling heart, is itself an earnest of a satisfactory termination of the whole negotiation. Measures are in operation for effecting treaties with the regencies of Tunis and Tripoli.

To an active external commerce, the protection of a naval force is indispensable. This is manifest with regard to wars in which a state itself is a party. But besides this, it is in our own experience that the most sincere neutrality is not a sufficient guard against the depredations of nations at war. To secure respect to a neutral flag requires a naval force, organized and ready to vindicate it from insult or aggression. This may prevent even the necessity of going to war, by discouraging belligerent powers from committing such violations of the rights of the neutral party as may, first or last, leave no other option. From the best information I have been able to obtain, it would seem as if our trade to the Mediterranean, without a protecting force, will always be insecure, and our citizens exposed to the calamities from which numbers of them have but just been relieved.

These considerations invite the United States to look to the means, and

to set about the gradual creation of a navy. The increasing progress of their navigation promises them, at no distant period, the requisite supply of seamen; and their means, in other respects, favor the undertaking. It is an encouragement, likewise, that their particular situation will give weight and influence to a moderate naval force in their hands. Will it not then be advisable to begin without delay to provide and lay up the materials for the building and equipping of ships-of-war, and to procee 'n the work by degrees, in proportion as our resources shall render it practicable without inconvenience, so that a future war of Europe may not find our commerce in the same unprotected state in which it was found by the present?

Congress have repeatedly, and not without success, directed their attention to the encouragement of manufactures. The object is of too much consequence not to insure a continuance of their efforts in every way which shall appear eligible. As a general rule, manufactures on the public account are inexpedient; but where the state of things in a country leaves little hope that certain branches of manufacture will, for a great length of time, obtain, when these are of a nature essential to the furnishing and equipping of the public force in time of war, are not establishments for procuring them on public account, to the extent of the ordinary demand for the public service, recommended by strong considerations of national policy as an exception to the general rule? Ought our country to remain, in such cases, dependent on foreign supply, precarious because liable to be interrupted? If the necessary article should, in this mode, cost more in time of peace, will not the security and independence thence arising form an ample compensation? Establishments of this sort, commensurate only with the calls of the public service in time of peace, will, in time of war, easily be extended in proportion to the exigiencies of the government, and may even perhaps be made to yield a surplus for the supply of our citizens at large, so as to mitigate the privations from the interruption of their trade. If adopted, the plan ought to exclude all those branches which are already, or likely soon to be, established in the country, in order that there may be no danger of interference with pursuits of individual industry.

It will not be doubted that, with reference either to individual or national welfare, agriculture is of primary importance. In proportion as nations advance in population and other circumstances of maturity, this truth becomes more apparent, and renders the cultivation of the soil more and more an object of public patronage. Institutions for promoting it grow up, supported by the public purse; and to what object can it be dedicated with greater propriety? Among the means which have been employed to this end none have been attended with greater success than the establishments of boards, composed of proper characters, charged with collecting and diffusing information, and enabled by premiums and small pecuniary aids to encourage and assist a spirit of discovery and improvement. This species of establishment contributes doubly to the increase of improvement, by stimulating to enterprise and experiment, and by drawing to a common centre the results, everywhere, of individual skill and observation, and spreading them thence over the whole nation. Experience accordingly hath shown that they are very cheap instruments of immense national benefit.

I have therefore proposed to the consideration of Congress the expediency of establishing a national universitv. and also a military academy.

The desirableness of both these institutions has so constantly increased with every new view I have taken on the subject, that I can not omit the opportunity of once for all recalling your attention to them.

The assembly to which I address myself is too enlightened not to be fully sensible how much a flourishing state of the arts and sciences contributes to national prosperity and reputation.

True it is that our country, much to its honor, contains many seminaries of learning highly respectable and useful; but the funds upon which they rest are too narrow to command the ablest professors in the different departments of liberal knowledge for the institution contemplated, though they would be excellent auxiliaries.

Among the motives to such an institution, the assimilation of the principles, opinions, and manners of our countrymen, by the common education of a portion of our youth from every quarter, well deserves attention. The more homogenous our citizens can be made in these particulars, the greater will be our prospect of permanent union; and a primary object of such a national institution should be the education of our youth in the science of *government*. In a republic, what species of knowledge can be equally important? and what duty more pressing on its legislature than to patronise a plan for communicating it to those who are to be the future guardians of the liberties of the country?

The institution of a military academy is also recommended by cogent reasons. However pacific the general policy of a nation may be, it ought never to be without an adequate stock of military knowledge for emergencies. The first would impair the energy of its character, and both would hazard its safety or expose it to greater evils when war could not be avoided—besides, that war might often not depend upon its own choice. In proportion as the observance of pacific maxims might exempt a nation from the necessity of practising the rules of the military art, ought to be its care in preserving and transmitting, by proper establishments, the knowledge of that art. Whatever argument may be drawn from particular examples, superficially viewed, a thorough examination of the subject will evince that the art of war is at once comprehensive and complicated, that it demands much previous study, and that the possession of it in its most improved and perfect state is always of great moment to the security of a nation. This, therefore, ought to be a serious care of every government; and for this purpose, an academy, where a regular course of instruction is given, is an obvious expedient which different nations have successfully employed.

The compensation to the officers of the United States, in various instances, and in none more than in respect to the most important stations, appear to call for legislative revision. The consequences of a defective provision are of serious import to the government. If private wealth is to supply the defect of public retribution, it will greatly contract the sphere within which the selection of character for office is to be made, and will proportionally diminish the probability of a choice of men able as well as upright. Besides, that it would be repugnant to the vital principles of our government virtually to exclude from public trusts talents and virtue unless accompanied by wealth.

While, in our external relations, some serious inconveniences and embarassments have been overcome and others lessened, it is with much pain and deep regret I mention that circumstances of a very unwelcome nature have lately occurred. Our trade has suffered and is suffering ex

tensive injuries in the West Indies from the cruisers and agents of the French republic; and communications have been received from its minister here which indicate the danger of a farther disturbance of our commerce by its authority, and which are, in other respects, far from agreeable.

It has been my constant, sincere, and earnest wish, in conformity with that of our nation, to maintain cordial harmony and a perfectly friendly understanding with that republic. This wish remains unabated; and I shall persevere in the endeavor to fulfil it to the utmost extent of what shall be consistent with a just and indispensable regard to the rights and honor of our country; nor will I easily cease to cherish the expectation that a spirit of justice, candor, and friendship, on the part of the republic, will eventually ensure success.

In pursuing this course, however, I can not forget what is due to the character of our own government and nation, or to a full and entire confidence in the good sense, patriotism, self-respect, and fortitude of my countrymen.

I reserve for a special message a more particular communication on this interesting subject.

Gentlemen of the House of Representatives:—

I have directed an estimate of the appropriations necessary for the service of the ensuing year to be submitted from the proper department, with a view of the public receipts and expenditures to the latest period to which an account can be prepared.

It is with satisfaction I am able to inform you that the revenues of the United States continue in a state of progressive improvement.

A reinforcement of the existing provisions for discharging our public debt was mentioned in my address at the opening of the last session. Some preliminary steps were taken toward it, the maturing of which will, no doubt, engage your zealous attention during the present session. I will only add, that it will afford me a heartfelt satisfaction to concur in such further measures as will ascertain to our country the prospect of a speedy extinguishment of the debt. Posterity may have cause to regret if from any motive intervals of tranquillity are left unimproved for accelerating this valuable end.

Gentlemen of the Senate and of the House of Representatives:—

My solicitude to see the militia of the United States placed on an efficient establishment, has been so often and so ardently expressed that I shall but barely recall the subject to your view on the present occasion; at the same time that I shall submit to your inquiry, whether our harbors are yet sufficiently secured.

The situation in which I now stand, for the last time, in the midst of the representatives of the people of the United States, naturally recalls the period when the administration of the present form of government commenced; and I can not omit the occasion to congratulate you and my country on the success of the experiment, nor to repeat my fervent supplications to the Supreme Ruler of the universe and Sovereign Arbiter of nations that his providential care may still be extended to the United States, that the virtue and happiness of the people may be preserved, and that the government which they have instituted for the protection of their liberties may be perpetual.

FAREWELL ADDRESS.

SEPTEMBER 17, 1796.

Friends and Fellow-Citizens :—

THE period for a new election of a citizen to administer the executive government of the United States being not far distant, and the time actually arrived when your thoughts must be employed in designating the person who is to be clothed with that important trust, it appears to me proper, especially as it may conduce to a more distinct expression of the public voice, that I should now apprize you of the resolution I have formed, to decline being considered among the number of those out of whom the choice is to be made.

I beg you, at the same time, to do me the justice to be assured that this resolution has not been taken without a strict regard to all the considerations appertaining to the relation which binds a dutiful citizen to his country; and that, in withdrawing the tender of service, which silence in my situation might imply, I am influenced by no diminution of zeal for your future interest, no deficiency of respect for your past kindness, but am supported by a full conviction that the step is compatible with both.

The acceptance of, and continuance hitherto in, the office to which your suffrages have twice called me, have been a uniform sacrifice of inclination to the opinion of duty and to a deference for what appeared to be your desire. I constantly hoped that it would have been much earlier in my power, consistently with motives which I was not at liberty to disregard, to return to that retirement from which I had been reluctantly drawn. The strength of my inclination to do this, previous to the last election, had even led to the preparation of an address to declare it to you; but mature reflection on the then perplexed and critical posture of affairs with foreign nations, and the unanimous advice of persons entitled to my confidence, impelled me to abandon the idea. I rejoice that the state of your concerns, external as well as internal, no longer renders the pursuit of inclination incompatible with the sentiment of duty or propriety; and am persuaded, whatever partiality may be retained for my services, that in the present circumstances of our country, you will not disapprove of my determination to retire.

The impressions with which I first undertook the arduous trust were explained on the proper occasion. In the discharge of this trust, I will only say that I have, with good intentions, contributed toward the organization and administration of the government the best exertions of which a very fallible judgment was capable. Not unconscious, in the outset, of the inferiority of my qualifications, experience in my own eyes, perhaps still more in the eyes of others, has strengthened the motives to diffidence of myself; and every day the increasing weight of years admonishes me more and more that the shade of retirement is as necessary to me as it will be welcome. Satisfied that, if any circumstances have given peculiar value to my services, they were temporary, I have the consolation to believe that, while choice and prudence invite me to quit the political scene, patriotism does not forbid it.

In looking forward to the moment which is to terminate the career of my political life, my feelings do not permit me to suspend the deep acknowledgment of that debt of gratitude which I owe to my beloved coun-

try for the many honors it has conferred upon me; still more for the steadfast confidence with which it has supported me, and for the opportunities I have thence enjoyed of manifesting my inviolable attachment by services faithful and persevering, though in usefulness unequal to my zeal. If benefits have resulted to our country from these services, let it always be remembered to your praise, and as an instructive example in our annals, that under circumstances in which the passions, agitated in every direction, were liable to mislead—amid appearances sometimes dubious—vicissitudes of fortune often discouraging—in situations in which not unfrequently want of success has countenanced the spirit of criticism—the constancy of your support was the essential prop of the efforts and a guaranty of the plans by which they were effected. Profoundly penetrated with this idea, I shall carry it with me to my grave as a strong incitement to unceasing wishes that Heaven may continue to you the choicest tokens of its beneficence—that your union and brotherly affection may be perpetual—that the free constitution which is the work of your hands may be sacredly maintained—that its administration in every department may be stamped with wisdom and virtue—that, in fine, the happiness of the people of these states, under the auspices of liberty, may be made complete by so careful a preservation and so prudent a use of this blessing as will acquire to them the glory of recommending it to the applause, the affection, and adoption, of every nation which is yet a stranger to it.

Here, perhaps, I ought to stop. But a solicitude for your welfare which can not end but with my life, and the apprehension of danger natural to that solicitude, urge me, on an occasion like the present, to offer to your solemn contemplation, and to recommend to your frequent review, some sentiments which are the result of much reflection, of no inconsiderable observation, and which appear to me all-important to the permanency of your felicity as a people. These will be offered to you with the more freedom, as you can only see in them the disinterested warnings of a parting friend, who can possibly have no personal motive to bias his counsel. Nor can I forget, as an encouragement to it, your indulgent reception of my sentiments on a former and not dissimilar occasion.

Interwoven as is the love of liberty with every ligament of our hearts, no recommendation of mine is necessary to fortify or confirm the attachment.

The unity of government which constitutes you one people, is also now dear to you. It is justly so; for it is a main pillar in the edifice of your real independence, the support of your tranquillity at home, your peace abroad, of your safety, of your prosperity, of that very liberty which you so highly prize. But as it is easy to foresee that from different causes, and from different quarters, much pains will be taken, many artifices employed, to weaken in your minds the conviction of this truth—as this is the point in your political fortress against which the batteries of internal and external enemies will be most constantly and actively (though often covertly and insidiously) directed—it is of infinite moment that you should properly estimate the immense value of your national union to your collective and individual happiness; that you should cherish a cordial, habitual, and immovable attachment to it; accustoming yourselves to think and to speak of it as a palladium of your political safety and prosperity; watching for its preservation with jealous anxiety; discountenancing whatever may suggest even a suspicion that it can in any event be abandoned; and indignantly frowning upon the first dawning of every attempt to alienate

any portion of our country from the rest, or to enfeeble the sacred ties which now link together the various parts.

For this you have every inducement of sympathy and interest. Citizens by birth or choice of a common country, that country has a right to concentrate your affections. The name of AMERICAN, which belongs to you in your national capacity, must always exalt the just pride of patriotism more than any appellation derived from local discriminations. With slight shades of difference, you have the same religion, manners, habits, and political principles. You have, in a common cause, fought and triumphed together. The independence and liberty you possess are the work of joint councils and joint efforts, of common dangers, sufferings, and success.

But these considerations, however powerfully they address themselves to your sensibility, are greatly outweighed by those which apply more immediately to your interest. Here, every portion of our country finds the most commanding motives for carefully guarding and preserving the union of the whole.

The *north*, in an unrestrained intercourse with the *south*, protected by the equal laws of a common government, finds in the productions of the latter great additional resources of maritime and commercial enterprise, and precious materials of manufacturing industry. The *south*, in the same intercourse, benefiting by the same agency of the *north*, sees its agriculture grow and its commerce expand. Turning partly into its own channels the seamen of the *north*, it finds its particular navigation invigorated; and while it contributes in different ways to nourish and increase the general mass of the national navigation, it looks forward to the protection of a maritime strength to which itself is unequally adapted. The *east*, in like intercourse with the *west*, in the progressive improvement of interior communications by land and water, will more and more find a valuable vent for the commodities which it brings from abroad or manufactures at home. The *west* derives from the *east* supplies requisite to its growth and comfort; and what is perhaps of still greater consequence, it must of necessity owe the secure enjoyment of the indispensable outlets for its own productions to the weight, influence, and future maritime strength of the Atlantic side of the Union, directed by an indissoluble community of interest, as one nation. Any other tenure by which the *west* can hold this essential advantage, whether derived from its own separate strength, or from an apostate and unnatural connexion with any foreign power, must be intrinsically precarious.

While, then, every part of our country thus feels an immediate and particular interest in union, all the parts combined can not fail to find in the united mass of means and efforts greater strength, greater resource, proportionably greater security from external danger, a less frequent interruption of their peace by foreign nations, and, what is of inestimable value, they must derive from union an exemption from those broils and wars between themselves which so frequently afflict neighboring countries not tied together by the same government, which their own rivalships alone would be sufficient to produce, but which opposite foreign alliances, attachments, and intrigues would stimulate and embitter. Hence, likewise, they will avoid the necessity of those overgrown military establishments which, under any form of government, are inauspicious to liberty, and which are to be regarded as particularly hostile to republican liberty. In this sense it is that your union ought to be considered as a main prop of

your liberty, and that the love of the one ought to endear to you the preservation of the other.

These considerations speak a persuasive language to every reflecting and virtuous mind, and exhibit the continuance of the union as a primary object of patriotic desire. Is there a doubt whether a common government can embrace so large a sphere? Let experience solve it. To listen to mere speculation in such a case were criminal. We are authorized to hope that a proper organization of the whole, with the auxiliary agency of governments for the respective subdivisions, will afford a happy issue of the experiment. It is well worth a fair and full experiment. With such powerful and obvious motives to union, affecting all parts of our country, while experience shall not have demonstrated its impracticability, there will always be reason to distrust the patriotism of those who in any quarter may endeavor to weaken its bands.

In contemplating the causes which may disturb our union, it occurs as matter of serious concern that any ground should have been furnished for characterizing parties by geographical discriminations—*northern* and *southern*, *Atlantic* and *western*; whence designing men may endeavor to excite a belief that there is a real difference of local interests and views. One of the expedients of party to acquire influence within particular districts is, to misrepresent the opinions and aims of other districts. You can not shield yourselves too much against the jealousies and heart-burnings which spring from these misrepresentations. They tend to render alien to each other those who ought to be bound together by fraternal affection. The inhabitants of our western country have lately had a useful lesson on this head. They have seen in the negotiation by the executive, and in the unanimous ratification by the senate, of the treaty with Spain, and in the universal satisfaction at that event throughout the United States, a decisive proof how unfounded were the suspicions propagated among them of a policy in the general government and in the Atlantic states unfriendly to their interests in regard to the Mississippi. They have been witnesses to the formation of two treaties—that with Great Britain and that with Spain—which secure to them everything they could desire, in respect to our foreign relations, toward confirming their prosperity. Will it not be their wisdom to rely for the preservation of these advantages on the union by which they were procured? Will they not henceforth be deaf to those advisers, if such there are, who would sever them from their brethren and connect them with aliens?

To the efficacy and permanency of your union, a government for the whole is indispensable. No alliances, however strict, between the parts can be an adequate substitute. They must inevitably experience the infractions and interruptions which alliances in all times have experienced. Sensible of this momentous truth, you have improved upon your first essay by the adoption of a constitution of government better calculated than your former for an intimate union and for the efficacious management of your common concerns. This government, the offspring of your own choice, uninfluenced and unawed, adopted upon full investigation and mature deliberation, completely free in its principles, in the distribution of its powers, uniting security with energy, and containing within itself provision for its own amendment, has a just claim to your confidence and your support. Respect for its authority, compliance with its laws, acquiescence in its measures, are duties enjoined by the fundamental maxims of true liberty. The basis of our political system is, the right of the people to

make and to alter their constitutions of government. But the constitution which at any time exists, until changed by an explicit and authentic act of the whole people, is sacredly obligatory upon all. The very idea of the power and the right of the people to establish government, presupposes the duty of every individual to obey the established government.

All obstructions to the execution of the laws, all combinations and associations, under whatever plausible character, with the real design to direct, control, counteract, or awe the regular deliberations and action of the constituted authorities, are destructive of this fundamental principle, and of fatal tendency. They serve to organize faction; to give it an artificial and extraordinary force; to put in the place of the delegated will of the nation the will of party, often a small but artful and enterprising minority of the community; and according to the alternate triumphs of different parties, to make the public administration the mirror of the ill-concerted and incongruous projects of faction, rather than the organ of consistent and wholesome plans, digested by common councils, and modified by mutual interests.

However combinations or associations of the above description may now and then answer popular ends, they are likely, in the course of time and things, to become potent engines by which cunning, ambitious, and unprincipled men will be enabled to subvert the power of the people, and to usurp for themselves the reins of government, destroying afterward the very engines which have lifted them to unjust dominion.

Toward the preservation of your government and the permanency of your present happy state, it is requisite not only that you steadily discountenance irregular opposition to its acknowledged authority, but also that you resist with care the spirit of innovation upon its principles, however specious the pretext. One method of assault may be to effect in the forms of the constitution alterations which will impair the energy of the system, and thus to undermine what can not be directly overthrown. In all the changes to which you may be invited, remember that time and habit are at least as necessary to fix the true character of governments as of other human institutions; that experience is the surest standard by which to test the real tendency of the existing constitutions of a country; that facility in changes upon the credit of mere hypothesis and opinion exposes to perpetual change, from the endless variety of hypothesis and opinion; and remember especially, that from the efficient management of your common interests, in a country so extensive as ours, a government of as much vigor as is consistent with the perfect security of liberty is indispensable. Liberty itself will find in such a government, with powers properly distributed and adjusted, its surest guardian. It is, indeed, little else than a name, where the government is too feeble to withstand the enterprises of faction, to confine each member of society within the limits prescribed by the laws, and to maintain all in the secure and tranquil enjoyment of the rights of person and property.

I have already intimated to you the danger of parties in the state, with particular reference to the founding of them upon geographical discriminations. Let me now take a more comprehensive view, and warn you in the most solemn manner against the baneful effects of the spirit of party generally.

This spirit, unfortunately, is inseparable from our nature, having its root in the strongest passions of the human mind. It exists under different shapes in all governments, more or less stifled, controlled, or repressed;

but in those of the popular form, it is seen in its greatest rankness, and is truly their worst enemy.

The alternate domination of one faction over another, sharpened by the spirit of revenge natural to party dissension, which in different ages and countries has perpetrated the most horrid enormities, is itself a frightful despotism. But this leads at length to a more formal and permanent despotism. The disorders and miseries which result, gradually incline the minds of men to seek security and repose in the absolute power of an individual; and sooner or later, the chief of some prevailing faction, more able or more fortunate than his competitors, turns this disposition to the purposes of his own elevation on the ruins of the public liberty.

Without looking forward to an extremity of this kind, which nevertheless ought not to be entirely out of sight, the common and continual mischiefs of the spirit of party are sufficient to make it the interest and duty of a wise people to discourage and restrain it.

It serves always to distract the public councils and enfeeble the public administration. It agitates the community with ill-founded jealousies and false alarms; kindles the animosity of one part against another; foments occasional riot and insurrection. It opens the door to foreign influence and corruption, which finds a facilitated access to the government itself through the channels of party passion. Thus the policy and will of one country are subjected to the policy and will of another.

There is an opinion that parties in free countries are useful checks upon the administration of the government, and serve to keep alive the spirit of liberty. This, within certain limits, is probably true; and in governments of a monarchical cast, patriotism may look with indulgence, if not with favor, upon the spirit of party. But in those of popular character, in governments purely elective, it is a spirit not to be encouraged. From the natural tendency, it is certain there will always be enough of that spirit for every salutary purpose; and there being constant danger of excess, the effort ought to be by force of public opinion to mitigate and assuage it. A fire not to be quenched, it demands a uniform vigilance to prevent its bursting into a flame, lest, instead of warming, it should consume.

It is important, likewise, that the habits of thinking in a free country should inspire caution in those intrusted with its administration to confine themselves within their respective constitutional spheres, avoiding, in the exercise of the powers of one department, to encroach upon another. The spirit of encroachment tends to consolidate the powers of all the departments in one, and thus to create, whatever the form of government, a real despotism. A just estimate of that love of power and proneness to abuse it which predominate in the human heart, is sufficient to satisfy us of the truth of this position. The necessity of reciprocal checks in the exercise of political power, by dividing and distributing it into different depositories, and constituting each the guardian of the public weal against invasions of the other, has been evinced by experiments ancient and modern—some of them in our country, and under our own eyes. To preserve them must be as necessary as to institute them. If, in the opinion of the people, the distribution or modification of the constitutional powers be in any particular wrong, let it be corrected by an amendment in the way in which the constitution designates. But let there be no change by usurpation; for though this in one instance may be the instrument of good, it is the customary weapon by which free governments are destroyed.

The precedent must always greatly overbalance in permanent evil any partial or transient benefit which the use can at any time yield.

Of all the dispositions and habits which lead to political prosperity, religion and morality are indispensable supports. In vain would that man claim the tribute of patriotism who should labor to subvert these great pillars of human happiness—these firmest props of the duties of men and citizens. The mere politician, equally with the pious man, ought to respect and to cherish them. A volume could not trace all their connexion with private and public felicity. Let it be simply asked, where is the security for property, for reputation, for life, if the sense of religious obligation desert the oaths which are the instruments of investigation in courts of justice? And let us with caution indulge the supposition that morality can be maintained without religion. Whatever may be conceded to the influence of refined education on minds of peculiar structure, reason and experience both forbid us to expect that national morality can prevail in exclusion of religious principles.

It is substantially true that virtue or morality is a necessary spring of popular government. The rule indeed extends with more or less force to every species of free government. Who that is a sincere friend to it can look with indifference upon attempts to shake the foundation of the fabric? Promote, then, as an object of primary importance, institutions for the general diffusion of knowledge. In proportion as the structure of a government gives force to public opinion, it is essential that public opinion should be enlightened.

As a very important source of strength and security, cherish public credit. One method of preserving it is to use it as sparingly as possible, avoiding occasions of expense by cultivating peace, but remembering, also, that timely disbursements to prepare for danger frequently prevent much greater disbursements to repel it; avoiding likewise the accumulation of debt, not only by shunning occasions of expense, but by vigorous exertions in time of peace to discharge the debts which unavoidable wars have occasioned, not ungenerously throwing upon posterity the burden which we ourselves ought to bear. The execution of these maxims belongs to your representatives; but it is necessary that public opinion should cooperate. To facilitate to them the performance of their duty, it is essential you should practically bear in mind that toward the payment of debts there must be revenue; that to have revenue there must be taxes; that no taxes can be devised which are not more or less inconvenient and unpleasant; that the intrinsic embarrassment inseparable from the selection of the proper objects, which is always a choice of difficulties, ought to be a decisive motive for a candid construction of the conduct of the government in making it, and for a spirit of acquiescence in the measures for obtaining revenue which the public exigencies may at any time dictate.

Observe good faith and justice toward all nations. Cultivate peace and harmony with all. Religion and morality enjoin this conduct; and can it be that good policy does not equally enjoin it? It will be worthy of a free, enlightened, and, at no distant period, a great nation, to give to mankind the magnanimous and too novel example of a people always guided by an exalted justice and benevolence. Who can doubt that in the course of time and things the fruits of such a plan would richly repay any temporary advantages that might be lost by a steady adherence to it? Can it be that Providence has connected the permanent felicity of a nation with its virtue? The experiment, at least, is recommended by

every sentiment which ennobles human nature. Alas! it is rendered impossible by its vices.

In the execution of such a plan, nothing is more essential than that permanent, inveterate antipathies against particular nations, and passionate attachments for others, should be excluded; and that in the place of them, just and amicable feelings toward all should be cultivated. The nation which indulges toward another an habitual hatred or an habitual fondness, is in some degree a slave. It is a slave to its animosity or to its affection, either of which is sufficient to lead it astray from its duty and its interest. Antipathy in one nation against another disposes each more readily to offer insult and injury, to lay hold of slight causes of umbrage, and to be haughty and intractable when accidental or trifling occasions of dispute occur.

Hence, frequent collisions and obstinate, envenomed, and bloody contests. The nation, prompted by ill-will and resentment, sometimes impels to war the government contrary to the best calculations of policy. The government sometimes participates in the national propensity, and adopts through passion what reason would reject. At other times, it makes the animosity of the nation subservient to the projects of hostility, instigated by pride, ambition, and other sinister and pernicious motives. The peace often, sometimes perhaps the liberty, of nations has been the victim.

So, likewise, a passionate attachment of one nation for another produces a variety of evils. Sympathy for the favorite nation, facilitating the illusion of an imaginary common interest in cases where no real common interest exists, and infusing into one the enmities of the other, betrays the former into a participation in the quarrels and the wars of the latter without adequate inducements or justification. It leads, also, to concessions to the favorite nation of privileges denied to others, which are apt doubly to injure the nation making the concessions, by unnecessarily parting with what ought to have been retained, and by exciting jealousy, ill-will, and a disposition to retaliate, in the parties from whom equal privileges are withheld; and it gives to ambitious, corrupt, or deluded citizens, who devote themselves to the favorite nation, facility to betray or sacrifice the interests of their own country without odium, sometimes even with popularity, gilding with the appearances of a virtuous sense of obligation to a commendable deference for public opinion, or a laudable zeal for public good, the base or foolish compliances of ambition, corruption, or infatuation.

As avenues to foreign influence in innumerable ways, such attachments are particularly alarming to the truly enlightened and independent patriot. How many opportunities do they afford to tamper with domestic factions, to practise the arts of seduction, to mislead public opinion, to influence or awe the public councils! Such an attachment of a small or weak nation toward a great and powerful one, dooms the former to be the satellite of the latter. Against the insidious wiles of foreign influence, I conjure you to believe me, fellow-citizens, the jealousy of a free people ought to be constantly awake, since history and experience prove that foreign influence is one of the most baneful foes of republican government. But that jealousy, to be useful, must be impartial, else it becomes the instrument of the very influence to be avoided, instead of a defence against it. Excessive partiality for one foreign nation, and excessive dislike for another, cause those whom they actuate to see danger only on one side, and serve to veil and even second the arts of influence on the other. Real patriots, who may resist the intrigues of the favorite, are liable to become suspected and odious, while its tools and dupes usurp the applause and confidence of the people to surrender their interests.

The great rule of conduct for us in regard to foreign nations is, in extending our commercial relations, to have with them as little political connexion as possible. So far as we have already formed engagements, let them be fulfilled with perfect good faith. Here let us stop.

Europe has a set of primary interests which to us have none or a very remote relation. Hence, she must be engaged in frequent controversies, the causes of which are essentially foreign to our concerns. Hence, therefore, it must be unwise in us to implicate ourselves by artificial ties in the ordinary vicissitudes of her politics, or the ordinary combinations and collisions of her friendships or enmities.

Our detached and distant situation invites and enables us to pursue a different course. If we remain one people, under an efficient government, the period is not far off when we may defy material injury from external annoyance; when we may take such an attitude as will cause the neutrality we may at any time resolve upon to be scrupulously respected; when belligerent nations, under the impossibility of making acquisitions upon us, will not lightly hazard the giving us provocation; when we may choose peace or war as our interests, guided by justice, shall counsel.

Why forego the advantages of so peculiar a situation? Why quit our own to stand on foreign ground? Why, by interweaving our destiny with that of any part of Europe, entangle our peace and prosperity in the toils of European ambition, rivalship, interest, humor, or caprice?

It is our true policy to steer clear of permanent alliances with any portion of the foreign world, so far, I mean, as we are now at liberty to do it; for let me not be understood as capable of patronising infidelity to existing engagements. I hold the maxim no less applicable to public than to private affairs, that honesty is always the best policy. I repeat, therefore, let those engagements be observed in their genuine sense. But in my opinion, it is unnecessary and would be unwise to extend them.

Taking care always to keep ourselves by suitable establishments on a respectable defensive posture, we may safely trust to temporary alliances for extraordinary emergencies.

Harmony and a liberal intercourse with all nations are recommended by policy, humanity, and interest. But even our commercial policy should hold an equal and impartial hand; neither seeking nor granting exclusive favors or preferences; consulting the natural course of things; diffusing and diversifying by gentle means the stream of commerce, but forcing nothing; establishing with powers so disposed (in order to give trade a stable course, to define the rights of our merchants, to enable the government to support them) conventional rules of intercourse, the best that present circumstances and natural opinion will permit, but temporary and liable to be from time to time abandoned or varied as experience and circumstances shall dictate; constantly keeping in view that it is folly in one nation to look for disinterested favors from another—that it must pay with a portion of its independence for whatever it may accept under that character—that by such acceptance it may place itself in the condition of having given equivalents for nominal favors, and yet of being reproached with ingratitude for not having given more. There can be no greater error than to expect or calculate upon real favors from nation to nation. It is an illusion which experience must cure, which a just pride ought to discard.

In offering to you, my countrymen, these counsels of an old affectionate friend, I dare not hope they will make the strong and lasting impression I could wish—that they will control the usual current of the passions, or

prevent our nation from running the course which has hitherto marked the destiny of nations. But if I may even flatter myself that they may be productive of some partial benefit, some occasional good—that they may now and then recur to moderate the fury of party spirit, to warn against the mischiefs of foreign intrigue, to guard against the impostures of pretended patriotism—this hope will be a full recompense for the solicitude for your welfare by which they have been dictated.

How far in the discharge of my official duties I have been guided by the principles which have been delineated, the public records and the other evidences of my conduct must witness to you and to the world. To myself, the assurance of my own conscience is, that I have at least believed myself to be guided by them.

In relation to the still subsisting war in Europe, my proclamation of the 22d of April, 1793, is the index to my plan. Sanctioned by your approving voice, and by that of your representatives in both houses of Congress, the spirit of that measure has continually governed me, uninfluenced by any attempts to deter or divert me from it.

After deliberate examination, with the aid of the best lights I could obtain, I was well satisfied that our country, under all the circumstances of the case, had a right to take, and was bound in duty and interest to take, a neutral position. Having taken it, I determined, as far as should depend upon me, to maintain it with moderation, perseverance, and firmness.

The considerations which respect the right to hold this conduct, it is not necessary on this occasion to detail. I will only observe, that according to my understanding of the matter, that right, so far from being denied by any of the belligerent powers, has been virtually admitted by all.

The duty of holding a neutral conduct may be inferred, without anything more, from the obligation which justice and humanity impose on every nation, in cases in which it is free to act, to maintain inviolate the relations of peace and amity toward other nations.

The inducements of interest for observing that conduct will best be referred to your own reflections and experience. With me, a predominant motive has been to endeavor to gain time to our country to settle and mature its yet recent institutions, and to progress without interruption to that degree of strength and constancy which it is necessary to give it, humanly speaking, the command of its own fortune.

Though in reviewing the incidents of my administration I am unconscious of intentional error, I am nevertheless too sensible of my defects not to think it probable that I may have committed many errors. Whatever they may be, I fervently beseech the Almighty to avert or mitigate the evils to which they may tend. I shall also carry with me the hope that my country will never cease to view them with indulgence, and that, after forty-five years of my life dedicated to its service with an upright zeal, the faults of incompetent abilities will be consigned to oblivion, as myself must soon be to the mansions of rest.

Relying on its kindness in this as in other things, and actuated by that fervent love toward it which is so natural to a man who views in it the native soil of himself and his progenitors for several generations, I anticipate with pleasing expectations that retreat in which I promise myself to realize without alloy the sweet enjoyment of partaking in the midst of my fellow-citizens the benign influence of good laws under a free government—the ever favorite object of my heart, and the happy reward, as I trust, of our mutual cares, labors, and dangers.

ADMINISTRATION OF WASHINGTON.

THE unanimous choice of General Washington as president of the United States by the people of the United States, as expressed through the electoral colleges of the several states at the organization of the government under the constitution, after its adoption, was officially announced to the president elect, at his seat at Mount Vernon, on the 14th of April, 1789. This commission was executed by Mr. Charles Thompson, secretary of the late continental Congress, who presented to him the certificate of the secretary of the senate, stating that he was unanimously elected; the votes of the electors for president and vice-president having been counted by both houses of the first Congress under the constitution, then in session at the city of New York, on the 6th of April.

The urgency of the public business requiring the immediate attendance of the president at the seat of government, he hastened his departure, and on the second day after receiving notice of his appointment, he took leave of Mount Vernon and his family, and set out for New York, in company with Mr. Thompson and Colonel Humphreys. On his way to that city he was everywhere greeted by the people of the different places through which he passed, with the most enthusiastic and decisive evidences of attachment and respect. Although the president hastened his journey, and wished to render it private, the public feelings were too strong to be suppressed. Crowds flocked around him wherever he stopped; and corps of militia, with companies of the most respectable citizens escorted him through their respective states.

In New Jersey, after a most interesting scene at Trenton, having been received by the governor of that state, who accompanied him to Elizabethtown point, he was met by a committee of Congress, who conducted him thence to New York. The president, committee, and other gentlemen, embarked for the city in an elegant barge of thirteen oars, manned by thirteen branch pilots prepared for the purpose by the citizens of New York.

"The display of boats," says Washington, in his private journal, "which attended and joined on this occasion, some with vocal, and others with instrumental music on board, the decorations of the ships, the roar of can-

non, and the loud acclamations of the people, which rent the sky as I passed along the wharves, filled my mind with sensations as painful (contemplating the reverse of this scene, which may be the case after all my labors to do good) as they were pleasing."

In this manner, on the 23d of April, the man possessed of a nation's love landed at the stairs on Murray's wharf, which had been prepared and ornamented for the purpose. There he was received by the governor of New York, and conducted, with military honors, through an immense concourse of people, to the apartments provided for him. These were attended by foreign ministers, by public bodies, by political characters, and by private citizens of distinction, who pressed around him to offer their congratulations, and to express the joy which glowed in their bosoms at seeing the man in whom all confided at the head of the American empire. This day of extravagant joy was succeeded by a splendid illumination.*

The ceremonies of the inauguration having been adjusted by Congress, on the 30th of April, 1789, the president attended in the senate-chamber in order to take, in the presence of both houses, the oath prescribed by the constitution.

The session of Congress was then held in the city-hall, then called Federal hall, situated in Wall street, opposite the head of Broad street. To gratify the public curiosity, an open gallery adjoining the senate-chamber had been selected by Congress as the place in which the ceremony should take place. The oath was administered by Chancellor Livingston, of New York. Having taken it in the view of an immense concourse of people, who attested their joy by loud and repeated acclamations after the chancellor had pronounced, in a very feeling manner, "Long live George Washington, president of the United States," he returned to the senate-chamber and delivered his inaugural address.

The inaugural address of the president was replied to, on the part of the senate, by their presiding officer, John Adams, who had been elected vice-president of the United States. This reply of the senate was full of confidence in the president, and the sentiments expressed breathed the purest patriotism, and were every way worthy of that dignified body. The same may be said of the reply of the house of representatives, delivered through their speaker, Frederick A. Muhlenberg, of Pennsylvania. To both of these addresses the president rejoined in a few brief and appropriate remarks.

Eleven only of the original thirteen states had adopted the federal constitution, previous to the organization of the government by the election of president, vice-president, and members of Congress. North Carolina and Rhode Island had rejected the constitution; but finally came into the Union, the former in November, 1789, the latter in May, 1790. The

* Marshall's Life of Washington.

electors of president and vice-president were appointed in ten of the states on the first Wednesday of January, 1789, and met to give their votes in the several states, on the first Wednesday of February, and the constitution went into operation on the first Wednesday of March, the same year. It was not, however, until the 30th of April, that the government was fully organized, by the induction of the president into office. The legislature of New York having omitted to pass a law directing the mode of choosing electors, owing to a disagreement between the two branches of the legislature, New York did not participate in the first election of president. The whole number of electoral votes given by the ten states was 69, all of which General Washington received, and 34 were received by Mr. Adams, the remaining 35 having been scattered among various candidates. By the constitution, as it originally stood, the presidential electors voted for two persons; the one receiving the highest number of votes was elected president, and the next highest, or second choice of the electors, became vice-president. A majority of the whole number of electoral votes was required for the choice of president, but not for vice-president. Mr. Adams, it will be observed, although he received the greatest number of votes next to Washington, was elected vice-president by a minority.

The national government, though one of deliberate consent, encountered, from its formation, a powerful opposition. The friends of the constitution, with Washington and Adams at their head, were denominated *Federalists*, while those who had opposed the adoption of the constitution were called *Anti-Federalists*. From various causes, some of those who had supported the constitution in the national and state conventions, and otherwise, joined the opposition to the administration of Washington, among whom may be mentioned Mr. Madison, of Virginia, Mr. Langdon, of New Hampshire, Doctor Williamson, of North Carolina, Mr. Baldwin, of Georgia, and others. In the first Congress, in 1789 and 1790, there was but a small majority in favor of the measures recommended by Washington, and Hamilton, the secretary of the treasury. The anti-federalists elected John Langdon, of New Hampshire, president *pro tem.* of the senate, and Frederick A. Muhlenberg, speaker of the house of representatives, but they were chosen in the early part of the session, when party lines were not strictly drawn.

The first session of the first Congress, which was held at New York, occupied a period of nearly six months, the adjournment taking place on the 29th of September, 1789. They were employed principally in framing laws necessary to the organization of the government. In this space of time the construction of the powers intended to be given was very ably discussed. The subjects of commerce and of finance received the early and prompt attention of Congress, as well as the organization of the different departments, and of a federal judiciary system. Among the subjects strenuously debated was the president's power of appointment and

removal of officers at the head of each executive department of the government, and other officers under the president. The appointment was constitutionally subject to the assent of the senate. The removal, on which point the constitution was silent, was then settled to be in the power of the president alone. A system was adopted for raising a revenue from duties on imports, and the principle was recognised of discriminating duties for the protection of American manufactures. The subject of a tonnage duty was also considered, and an act passed discriminating in favor of American vessels, owners, and navigators. Sixteen articles of amendment to the constitution were approved by Congress, in September, 1789, and recommended to the states for their adoption. Ten of these articles were approved by the requisite number of states, and thus became parts of the constitution. Two other articles, since adopted by the states were proposed at subsequent sessions of Congress.

Soon after the adjournment of Congress the president made a tour through the eastern states. Before he commenced his journey, he selected his cabinet, namely: in September, 1789, Thomas Jefferson was appointed secretary of state; Alexander Hamilton, secretary of the treasury; Henry Knox, secretary of war; and Edmund Randolph, attorney-general. The office of secretary of the navy did not exist until the presidency of Mr. Adams. Mr. Jefferson returned from a mission to France in November, 1789, and assumed the duties of secretary of state in March, 1790.

John Jay, of New York, was appointed chief justice of the supreme court; and John Rutledge, of South Carolina, James Wilson, of Pennsylvania, William Cushing of Massachusetts, Robert H Harrison, of Maryland, and John Blair, of Virginia, associate justices.

At the second session of the first Congress, which was held at New York, commencing in January, 1790, some of the able reports of Hamilton, as secretary of the treasury, were presented, which established the course of national policy pursued by that and various succeeding administrations. The funding of the public debt incurred by the war of the revolution, the assumption of state debts by the general government, the providing of a system of revenue from duties on imports, and an internal excise, were among the measures proposed by Hamilton, and adopted by Congress. At this session an act was passed providing for the permanent seat of the national government at the District of Columbia, and for the removal of the temporary seat of government to Philadelphia.

The third session of the same Congress was held at Philadelphia, from the first Monday of December, 1790, to March 3, 1791. To complete the financial system recommended by Hamilton, a national bank was incorporated. On this subject the cabinet and members of Congress were divided, but the act of incorporation was passed by considerable majorities, and approved by President Washington. A mint was also estab-

lished for the purpose of national coinage, and at the same session the states of Vermont and Kentucky were admitted into the Union. The measures adopted by this Congress were of a highly beneficial character to the country, and had the effect to establish the national credit, and advance the public prosperity.

The second Congress met at Philadelphia, in October, 1791. There was a majority in each branch favorable to the administration. Among the measures of the session, an excise act, imposing a duty on domestic distilled spirits, similar to one passed in 1790, was adopted, and became very unpopular with the opposition to the administration. A law providing for a uniform militia system was also passed, and measures taken for a defence of the western frontiers against the Indians, who, in November, 1791, defeated a body of United States troops, under General St. Clair, near the Ohio river. A bounty was granted by law at this session, on vessels employed in the fisheries, for the encouragement of that branch of business; and an apportionment of representation in Congress was made in conformity to the census taken in 1790—the ratio fixed was 33,000 inhabitants for each representative.

The violent opposition to the excise law by a portion of the people, particularly in the interior of Pennsylvania, where meetings were held, and the revenue officers threatened with personal injury, induced Congress, in May, 1792, to pass an act authorizing the president to call out the militia to assist in executing the laws, if he should deem proper. The president being reluctant to employ military force, issued a proclamation, exhorting the people to desist from all illegal acts and meetings; but his council and warning did not produce the effect expected. The discontents continued until August, 1794, when this whiskey insurrection had assumed so serious a character in western Pennsylvania, that an army of volunteers and militia was formed, consisting of about 15,000 men, to suppress it. The insurgents did not venture to meet this force, and the rebellion ceased without conflict. No further opposition was then made to the excise law.

The second session of the second Congress, from November, 1792, to March, 1793, presents but little of interest to the reader. Much of the time was occupied in discussing the domestic and foreign relations of the country, without the adoption of any particular measures of importance. Party spirit ran high, both in Congress and among the people. The cabinet of Washington was divided, Hamilton and Knox advising federal measures, while Jefferson and Randolph generally acted in opposition to their colleagues, and in unison with the opposition in Congress, whom Mr. Jefferson denominated *Republicans*. The schism in his cabinet was a subject of extreme mortification to the president. Entertaining respect and esteem for both Jefferson and Hamilton, he was unwilling to part with either, and exerted all his influence to effect a reconciliation between them, but

without success. The hostility of these distinguished men to each other sustained no diminution, and its consequences became every day more diffusive.

The French revolution had an important influence on the politics of the United States, at this time. Mr. Jefferson and his republican friends sympathized with the French nation in their struggles for liberty and their contests with other nations, while Hamilton, and his friends of the federal party, with whom Washington coincided in this respect, considered it important to the interests of the United States to maintain friendly relations with Great Britain, which power was then at war with France, and they were unwilling to sacrifice either the peace or the interests of the nation to any sympathies they might have in favor of the revolutionists of France.

In this state of public opinion, the presidential election of 1792 took place. General Washington had expressed a desire to decline a re-election, but finally yielded to the earnest wishes of his friends, to serve another term. Notwithstanding the high party feeling among the people, Washington again received the unanimous votes of the electoral colleges, 132 in number. Mr. Adams was re-elected vice-president, receiving 77 votes, and George Clinton 50, while 5 were given to other persons. Governor Clinton was the candidate of the republican party.

General Washington appeared in the senate-chamber at Philadelphia on the fourth of March, 1793, to take the oath of office on his re-election to the presidency. The oath was administered by Judge Cushing, of the supreme court, in the presence of John Langdon, president *pro tem.* of the senate, and many members of Congress.

On this occasion, the president made the following remarks:—

"I am again called upon, by the voice of my country, to execute the functions of its chief magistrate. When the occasion proper for it shall arrive, I shall endeavor to express the high sense I entertain of this distinguished honor, and of the confidence which has been reposed in me by the people of the United States. Previous to the execution of any official act of the president, the constitution requires an oath of office. This oath I am now about to take, and in your presence, that if it shall be found, during my administration of the government, I have in any instance violated, willingly or knowingly, the injunctions thereof, I may, besides incurring constitutional punishment, be subjected to the upbraidings of all who are now witnesses of the present solemn ceremony."

In April, 1793, Citizen Genet arrived in this country as minister from the French republic. He sought to involve the United States in a war with Great Britain, and issued commissions to vessels-of-war, to sail from American ports and cruise against the enemies of France. It appears to have been expected in France that the United States would engage on its side from treaty stipulations, or inclination against England. The president and his cabinet were unanimously of opinion that this country was

not bound to take part in a war begun by France; and on the 18th of April the celebrated proclamation of neutrality, by the president, was issued, which has been the guide of the nation ever since, in affairs with foreign nations.

Mr. Genet, after this, threatened to appeal to the people, but finally, after many controversies with him, the president demanded his recall by the French government. Soon after this his commission was withdrawn, and Mr. Fauchet was appointed his successor. Mr. Genet, however, spent the remainder of his life in the United States, and married a daughter of Governor George Clinton, of New York.

Mr. Genet was said to have introduced into the United States the idea of "democratic societies," which were first formed in this country about this time, in imitation of the Jacobin clubs in Paris. After the fall of Robespierre these clubs, or secret societies, fell into disrepute, both in France and America.

When the third Congress assembled at Philadelphia, in December, 1793, the opposition to the administration succeeded in electing the speaker of the house of representatives, which body was afterward nearly equally divided on great political questions. In the senate, the vice-president, Mr. Adams, repeatedly settled important questions by his casting vote.

On the 16th of December, the secretary of state, Mr. Jefferson, in compliance with a resolution of the house of representatives of February 23, 1791, made to Congress his celebrated report on the commercial relations of the United States with foreign nations. This is one of the ablest documents that has ever emanated from Mr. Jefferson. He made an additional report on the 30th of December, communicating certain documents of foreign governments, which was his last official act as secretary of state. Agreeably to a notice which he gave the president, some months previous, he resigned his office and seat in the cabinet, December 31, 1793, and retired to his residence in Virginia.

The president appointed Edmund Randolph to succeed Mr. Jefferson as secretary of state, and William Bradford, of Pennsylvania, to succeed Mr. Randolph as attorney-general.

On the 4th of January, 1794, Mr. Madison introduced in the house a series of resolutions on commercial affairs, in conformity with the report of Mr Jefferson. They gave rise to a long and acrimonious debate, but were finally postponed. A resolution, however, to cut off all intercourse with Great Britain, passed the house by a small majority, but was defeated in the senate by the casting vote of the vice-president. The important subjects suggested in the president's message, and in official reports, were under consideration in the two branches of Congress, from the beginning of January to the 16th of April. The excitement was high among a large portion of the people, in favor of France. They insisted that the friends of France should declare themselves by wearing the national cockade.

They insisted, also, on war with England. In Congress, the war of words disclosed a state of feeling which the decorum of the place hardly restrained from full expression.

The conduct of the British government at this time added to the difficulties of the administration. The western forts on Lake Erie and its vicinity were still occupied by the British, contrary to the treaty of 1783. American vessels were seized on their way to French ports, and American seamen were impressed. The president, after many remonstrances with the British government, was sensible that a crisis was approaching which would involve the United States in a war with England, unless the calamity could be averted by negotiation. Washington, therefore, concluded to send a special envoy to England, and in April, 1794, selected John Jay, then chief justice of the supreme court, for that purpose. Mr. Jay arrived in England in June, 1794, and in November following a treaty with Great Britain was signed. It arrived in the United States on the 7th of March, 1795, and was ratified by the senate on the 24th of June, by precisely the constitutional majority (two thirds), after much opposition, and an investigation continued from the 9th of the same month. As this treaty was considered favorable to Great Britain, although it was the best that Mr. Jay could obtain, the publication of it in this country tended to heighten the asperity of political parties, and to increase the feelings of hostility toward England which were entertained by the opposition to the administration. The clamor against the treaty, however, gradually subsided, and addresses from all quarters poured in upon the president, principally from his political friends, congratulating him upon the fortunate issue of the mission.

In consequence of a decision of the supreme court, in a suit instituted by a citizen of South Carolina against the state of Georgia, and the action of the state of Massachusetts, on a suit being commenced against that state, an amendment was proposed, and carried at the first session of the third Congress, which was afterward ratified by three fourths of the several states, declaring that, "the judicial power of the United States should not be construed to extend to any suit in law or equity, commenced or prosecuted against one of the United States, by citizens of another state, or by citizens or subjects of any foreign state." This forms the 11th article of the amendments to the constitution.

During the summer of 1794, a successful campaign was carried on against the Indians, by the American troops under General Wayne, who defeated a large body of Indian warriors in a battle, in August of that year, on the banks of the Maumee, in Ohio. General Wayne soon afterward negotiated a treaty with all the tribes of the northwest; and, in conformity to Mr. Jay's treaty, the surrender of the western posts which had been so long retained by the British, gave assurance of continued peace on the frontier.

In 1794, the French government requested the recall of Gouverneur Morris, the minister from the United States to France, which request Washington complied with, and appointed James Monroe his successor. Mr. Morris had expressed his disapprobation of the revolutionary proceedings in France. In September, 1796, the president recalled Mr. Monroe, and appointed Charles Cotesworth Pinckney to succeed him.

At the close of the year 1794, General Knox resigned his place as secretary of war, and retired to Boston. His successor was Timothy Pickering, who was appointed on the 2d of January, 1795; he was, previous to that time, postmaster-general.

Mr. Hamilton resigned, as secretary of the treasury, on the 31st of January, 1795, and was succeeded on the 2d of February, by Oliver Wolcott, of Connecticut. In consequence of the death of Mr. Bradford, attorney-general, in August, 1795, the president appointed Charles Lee, of Virginia, his successor, December 10, 1795. At the same time, Timothy Pickering was appointed secretary of state, in place of Edmund Randolph, who had resigned the preceding August. James M'Henry was appointed secretary of war, January 27, 1796.

When the third Congress assembled, at their second session, in November, 1794, it appeared that, while the party in favor of the administration had been strengthened in the senate by recent events, in the house of representatives the opposition still continued to be the most powerful. In replying to the president's speech, the address of the house omitted to notice those parts which censured self-created societies, by which term the democratic clubs were supposed to be intended; also the victory of Gen. Wayne and the policy observed by the executive in its intercourse with foreign nations. An attempt to censure the "self-created societies," failed by the casting vote of the speaker. A bill, however, was passed, authorizing the president to station military force in the western counties of Pennsylvania, and an appropriation, exceeding one million of dollars, was made to defray the expenses of the insurrection.

The report of the secretary of the treasury, on the national finances, was the last official act of Colonel Hamilton; he soon after retired from office, as already stated. His report embraced the digest of a plan on the basis of the actual revenues for the further support of the public credit. In conformity with this plan, a bill was carried, notwithstanding a strenuous opposition, through both houses, establishing a sinking fund, composed of the surplus revenue, the bank dividends, and the proceeds of the public lands, for the redemption of the national debt. On the third of March, 1795, the constitutional term of the third Congress expired, and this important session was ended.

The senate was convened by the president, on the 8th of June following, for the purpose of considering Mr. Jay's treaty with Great Britain, which was ratified by that body, as already stated, on the 24th of the

same month. The president arrived in Philadelphia, from Mount Vernon, on the 11th of August, and on the next day the question of the immediate ratification of the treaty was brought before the cabinet. The resolution was adopted to ratify the treaty immediately, the secretary of state, Mr. Randolph, only, dissenting; and this opinion of the cabinet was confirmed by the president.

"If the ratification of the treaty," says Judge Marshall, "increased the number of its open advocates, by stimulating the friends of the administration to exert themselves in its defence, it seemed also to give increased acrimony to the opposition. Previous to the mission of Mr. Jay, charges against the chief magistrate, though frequently insinuated, had seldom been directly made. That mission visibly affected the decorum which had been usually observed toward him, and the ratification of the treaty brought into view sensations which had long been ill concealed. The calumnies with which he was assailed were not confined to his public conduct; even his qualities as a man were the subjects of detraction. That he had violated the constitution in negotiating a treaty without the previous advice of the senate, and that he had drawn from the treasury for his private use more than the salary annexed to his office, were unblushingly asserted.

"Though the secretary of the treasury denied that the appropriations made by the legislature had ever been exceeded, the atrocious charge was still confidently repeated. With the real public the confidence felt in the integrity of the chief magistrate remained unshaken.

"When possessed of the entire fact, the public viewed with just indignation this attempt to defame a character which was the nation's pride. Americans felt themselves affected by this atrocious calumny on their most illustrious citizen, and its propagators were frowned into silence."

Many of those embarrassments in which the government, from its institution, had been involved, were now ended, or approaching their termination.

The opposition to the laws, which had so long been made in western Pennsylvania, existed no longer. Peace had been made with the Indian tribes at the west and the south. After the failure of several attempts to obtain a peace with the regency of Algiers, Colonel Humphreys, the minister of the United States to Portugal, to whom full powers were granted, appointed Mr. Donaldson to transact this business; and a treaty with Algiers was negotiated on terms which, though disadvantageous, were the best that could be obtained. The difficulties with Spain, which had been of long continuance, were adjusted by a treaty concluded by Mr. Pinckney, the United States minister, with his catholic majesty, in October, 1795, in which the claims of the United States on the important points of boundary and the navigation of the Mississippi were fully conceded.

The fourth Congress commenced their first session in December, 1795

While the majority in the senate in favor of the administration had increased, the result of the last elections had again placed a majority in the house of representatives in opposition. This was manifest from the answers returned by the respective houses to the president's speech. That of the senate, adopted fourteen to eight, expressed an entire approbation of the conduct of the executive. The answer reported by a committee of the house, contained expressions of *undiminished* confidence in the president. But a motion was made to strike out this part; and in the debate on this motion, some of the members did not hesitate to say, that their confidence in the chief magistrate had diminished; and it was evident that a majority were in favor of the motion. The answer was, therefore, recommitted, and so varied as to meet the unanimous assent of the house.*

Although in the minority on many questions, the friends of the administration succeeded in electing Jonathan Dayton, a distinguished federalist of New Jersey, speaker of the house of representatives.

Mr. Monroe, the United States minister to the French republic, having presented to that government the American colors, which were placed with those of France, in the hall of the national convention, in Paris, Mr. Adet, who was appointed minister to the United States to succeed Mr. Fauchet, was directed to present to the United States government the flag of the French republic. He arrived in the United States in June, 1795, but did not present the flag in a formal manner until the first of January, 1796, when he delivered it to the president, together with a letter to Congress from the committee of public safety in France. The speech of Mr. Adet on this occasion drew from Washington the memorable reply, commencing as follows: "Born, sir, in a land of liberty; having early learned its value; having engaged in a perilous conflict to defend it; having, in a word, devoted the best years of my life to secure its permanent establishment in my country; my anxious recollections, my sympathetic feelings, and my best wishes, are irresistibly attracted, whensoever, in any country, I see an oppressed nation unfurl the banners of freedom."†

The address of Mr. Adet, and the answer of the president, were transmitted to Congress, with the letter from the committee of safety, by the president, on the 4th of January. The colors of France he directed to be deposited among the archives of the United States. Both houses of Congress adopted resolutions expressive of their good will and friendship for the French republic.

In February, 1796, the treaty with Great Britain was returned, in the form advised by the senate, ratified by his Britannic majesty. The president, in pursuance of his duty, issued his proclamation on the last of February, on the subject, and requiring from all persons its observance and

* Pitkin's History of United States. † See Marshall's Life of Washington.

execution. For the information of Congress, a copy of this proclamation was transmitted to each house on the first of March.

The republican or democratic party in the house of representatives, who had denied the right of the president to negotiate a treaty of commerce, expressed their dissatisfaction at his course in issuing this proclamation before the sense of the house had been declared on the obligation of the instrument. On the second of March, therefore, Mr. Livingston, of New York, laid upon the table a resolution requesting of the president a copy of the instructions to Mr. Jay, together with the correspondence and other documents relative to the treaty with Great Britain negotiated by him. This motion was vehemently debated, and, after some days, carried, by a majority of 57 to 35. The president answered, with his accustomed coolness and dignity, stating his reasons why the house of representatives, which has no part in the treaty-making power, can not be constitutionally entitled to the papers called for; and concluded with saying: "A just regard to the constitution and to the duty of my office, under all the circumstances of this case, forbid a compliance with your request."

This refusal of the president was received with an indignation which the majority were at no pains to conceal. The same spirit was widely disseminated through the country; but public opinion had undergone an important change. Popular meetings were held on the subject, and, though many of the provisions of the treaty were thought to be objectionable, it was believed that a majority, composed of the most intelligent citizens, were in favor of carrying the treaty into effect, in good faith. The popular sentiment was felt in the house of representatives. The debate in that body was very able and interesting. Among the most celebrated speeches made on the occasion, was that of Fisher Ames, in support of the treaty. Many other distinguished members took part in the debate, such as Roger Griswold, R. G. Harper, Theodore Sedgwick, and William Smith, on the side of the administration; and Edward Livingston, James Madison, Albert Gallatin, and William B. Giles, in opposition. The final question in the house, in favor of laws for carrying the treaty into effect, was carried by a majority of three only, 51 to 48.

The fourth Congress, after continuing their first session until the 1st of June, 1796, adjourned to the first Monday of December following. Besides the measures referred to, many other important acts were adopted; among others, agencies were established among the Indian tribes; provision was made for the sale of the public lands; and an act was passed for the protection and relief of American seamen. The state of Tennessee was admitted into the Union on the last day of the session.

In the spring of 1796, Rufus King was appointed minister to Great Britain, in the place of Thomas Pinckney, who, at his own request, was permitted to return home. During a residence of several years in London, Mr. King maintained the rights of the country with great ability and

firmness and sustained a high character among the diplomatic corps at the British court.*

The relations of the United States with France continued a subject of anxiety. The treaty negotiated with England by Mr. Jay, and the president's proclamation of neutrality, were regarded with much disfavor by the French government, and they issued several decrees by which American vessels were confiscated, in violation of the treaty of commerce. The president being dissatisfied with the course of Mr. Monroe, the American minister to France, in not urging the rights of his countrymen with sufficient vigor, he was recalled, as already stated, and Charles Cotesworth Pinckney appointed in his place. Mr. Monroe was very popular in France, and on taking his leave of the government, mutual addresses were delivered. The address of the president of the directory, expressing his regret at parting with Mr. Monroe, was calculated to flatter the people of the United States, while it severely censured their government. Mr. Pinckney was permitted to reside at Paris until about the first of February, 1797, when the French directory gave him written orders to quit the territories of the republic, and he retired to Holland.

The third election of president engaged the national attention after the adjournment of Congress. General Washington was earnestly solicited to be a candidate for re-election, but positively declined. In September, 1796, he announced his intention to the people in his memorable "*Farewell Address.*"† In this document he made a last effort to impress upon his countrymen those great political truths which had been the guides of his own administration, and could alone, in his opinion, form a sure and solid basis for the happiness, the independence, and the liberty of the United States.

The sentiments of veneration with which this address was generally received, were manifested in almost every part of the Union. Some of the state legislatures directed it to be inserted at large in their journals; and nearly all of them passed resolutions expressing their respect for the president, their high sense of his exalted services, and the emotions with which they contemplated his retirement from office.‡

When this address appeared, announcing the resolution of Washington to retire, the determination of his fellow-citizens had been unequivocally manifested in favor of his continuance in office, and it was believed to be apparent, that his election would again be unanimous, if he had consented to serve for a third term.

The two great parties in the United States were now at once arrayed against each other on the question of the presidential election. By the federalists, Mr. John Adams and Mr. Thomas Pinckney, the late minister to Great Britain, were supported as president and vice-president; while the whole force of the opposite party was exerted in favor of Mr. Jefferson.

* Pitkin. † See page 69. ‡ Marshall.

On the subject of vice-president, the republicans, or democrats, were not united. The result of the election was as follows: John Adams, 71; Thomas Jefferson, 68; Thomas Pinckney, 59; Aaron Burr, 30; Samuel Adams, 15; Oliver Ellsworth, 11; George Clinton, 7; John Jay, 5; James Iredell, 3; George Washington, 2; J. Henry, 2; S. Johnson, 2; Charles C. Pinckney, 1. Total number of electoral votes, 138—each elector voting for two persons. Mr. Adams was therefore elected president, and Mr. Jefferson vice-president, for four years from the fourth of March, 1797.

In November, while the election was pending, and parties were so nearly balanced that neither scale could be perceived to preponderate, the French minister to this country, Mr. Adet, addressed a letter to the secretary of state, which he also caused to be immediately published in the newspapers, reproaching the federal administration with violating those treaties with France which had secured the independence of the United States, with ingratitude to France, and with partiality to England. Mr. Adet also announced the orders of his government to suspend his ministerial functions with that of the United States. This suspension of his functions, however, was not to be regarded "as a rupture between France and the United States, but as a mark of just discontent, which was to last until the government of the United States returned to sentiments and to measures more conformable to the interests of the alliance, and to the sworn friendship between the two nations."

Whatever motives might have impelled Mr. Adet to make this open and direct appeal to the American people, in the critical moment of their election of a chief magistrate, it does not appear in any material degree to have influenced that election.

On the 7th of December, 1796, Washington met Congress for the last time. His address was comprehensive, temperate, and dignified. It presented a full and clear view of the situation of the United States, and recommended certain great national measures in the utility of which he felt a confidence; concluding with his congratulations on the success of the experiment of the form of government under the constitution, and his prayers for its perpetuity.

The answers of both houses to this speech, notwithstanding the conflict of parties, were adopted nearly unanimously. Both expressed their grateful sense of the eminent services he had rendered his country, their extreme regret at his retiring from office, and their ardent wishes for his future personal happiness. Perfect unanimity, however, did not prevail in the house of representatives. Mr. Giles, of Virginia, said: "If he stood alone in the opinion, he would declare that he was not convinced that the administration of the government for these six years, had been wise and firm. He did not regret the president's retiring from office. He hoped he would retire, and enjoy the happiness that awaited his retirement. He believed it would more conduce to that happiness that he

should retire, than if he should remain in office." In this opinion of Mr. Giles, only eleven concurred, and with him voted against the answer.*

On the 19th of January, 1797, the president, agreeably to the intimation in his speech at the opening of the session, communicated to Congress the state of the relations of the country with the French republic. It contained not only an able review, but an ample refutation of the various charges made by France, as well as a complete justification of the conduct of President Washington toward that nation. This exposition, however, created no change in the conduct of France, and produced little effect on the parties in America.†

On the 4th of March, 1797, the administration of President Washington closed—a period to which he had looked forward with inexpressible pleasure. After witnessing the inauguration of his successor, he withdrew from Philadelphia to Mount Vernon, to spend the remainder of his days in retirement.

During his administration, all the disputes between the United States and foreign nations had been adjusted, with the exception of those of France; at home, public and private credit was restored—ample provision made for the security and ultimate payment of the public debt—commerce had experienced unexampled prosperity—American tonnage had nearly doubled—the products of agriculture had found a ready market—the exports had increased from nineteen millions to more than fifty-six millions of dollars—the imports in about the same proportion—and the amount of revenues from imports had exceeded the most sanguine calculations. The prosperity of the country had been, indeed, without example, notwithstanding great losses from belligerent depredations.‡

At this day, the conduct and character of Washington are spoken of with respect and veneration by most men. We have seen several sorts of administration of public affairs since his time; it is not too soon to consider calmly and dispassionately, the worth of that conducted by him.

To the high responsibility of giving motion and effect to the new system, among discordant elements, it was the lot of Washington to be called.

Was it right or wrong to provide for the payment of the public debt, justly called "*the price of liberty?*" Who can answer in the negative? Not to have done what was done, would have been injustice, for which there could have been no palliation.

Was Washington's administration right or wrong toward France and England, during their vindictive and exterminating war? Surely, the true policy of this country was *strict neutrality*. To preserve this, the most forbearing and conciliatory measures were adopted toward each; ministers were sent, and instructions given, to show that the United States were, and meant to be, *neutral*. To the last hour of his administration,

* Pitkin. † Ibid. ‡ Ibid.

Washington persisted in his neutrality, and was able to countervail the popular clamor in favor of France.

In the discretionary exercise of executive power, the Washington administration was wise and talented. In filling offices, the president preferred, when he could, the revolutionary chiefs, of whose integrity and ability he had ample proofs. No one will say that such men did not deserve the honors and emoluments of office, which their own perilous efforts helped to establish. He displaced no man for the expression of his opinion, even in the feverish excitement of French delusion.

With regard to all other foreign governments; the judiciary; the national bank; the Indian tribes; the mint; in his deportment to his own ministers; his communications to Congress; his construction of the constitution; his sacred regard for it; his devotion to the whole Union; his magnanimity and forbearance; his personal dignity; in all these, and in relation to all other subjects, how great and honorable was his example![*]

[*] Sullivan.



BIOGRAPHICAL SKETCH

OF

JOHN ADAMS.

JOHN ADAMS, the second president of the United States, was born on the 19th of October (old style), 1735, in that part of the town of Braintree, in Massachusetts (near Boston) which has since been incorporated by the name of Quincy. He was the fourth in descent from Henry Adams, who fled from persecution in Devonshire, England, and settled in Massachusetts, about the year 1630. Another of the ancestors of Mr. Adams was John Alden, one of the pilgrim founders of the Plymouth colony in 1620. Receiving his early education in his native town, John Adams, in 1751, was admitted a member of Harvard college, at Cambridge, where he graduated in regular course, four years afterward. On leaving college he went to Worcester, for the purpose of studying law, and at the same time to support himself, according to the usage at that time in New England, by teaching in the grammar-school of that town. He studied law with James Putnam, a barrister of eminence, by whom he was afterward introduced to the acquaintance of Jeremy Gridley, then attorney-general of the province, who proposed him to the court for admission to the bar of Suffolk county, in 1758, and gave him access to his library, which was then one of the best in America.

Mr. Adams commenced the practice of his profession in his native town, and, by travelling the circuits with the court, became well known in that part of the country. In 1766, by the advice of Mr. Gridley, he removed to Boston, where he soon distinguished himself at the bar, by his superior talents as counsel and advocate. At an earlier period of his life, his thoughts had begun to turn on general politics, and the prospects of his country engaged his attention. Soon after leaving college, he wrote a letter to a friend, dated at Worcester, the 12th of October, 1755, which evinces so remarkable a foresight that it is fortunate it has been preserved. We make the following extracts: "Soon after the reformation, a few people came over into this new world, for conscience' sake.

Perhaps this apparently trivial incident may transfer the great seat of empire into America. It looks likely to me, if we can remove the turbulent Gallics, our people, according to the exactest computation, will, in another century, become more numerous than England herself. The only way to keep us from setting up for ourselves, is to disunite us. *Divide et impera.* Keep us in distinct colonies, and then some great men in each colony, desiring the monarchy of the whole, will destroy each other's influence, and keep the country in equilibrio. Be not surprised that I am turned politician; the whole town is immersed in politics. I sit and hear, and, after being led through a maze of sage observations, I sometimes retire and, by laying things together, form some reflections pleasing to myself. The produce of one of these reveries you have read above." Mr. Webster observes: "It is remarkable that the author of this prognostication should live to see fulfilled to the letter what could have seemed to others, at the time, but the extravagance of youthful fancy. His earliest political feelings were thus strongly American, and from this ardent attachment to his native soil he never departed."

In 1764, he married Abigail Smith, daughter of Rev. William Smith, of Weymouth, and grand-daughter of Colonel Quincy, a lady of uncommon endowments and excellent education. He had previously imbibed a prejudice against the prevailing religious opinions of New England, and became attached to speculations hostile to those opinions. Nor were his views afterward changed. In his religious sentiments he accorded with Doctor Bancroft, a unitarian minister of Worcester, of whose printed sermons he expressed his high approbation. In 1765, Mr. Adams published an essay on canon and feudal law, the object of which was to show the conspiracy between church and state for the purpose of oppressing the people.

In 1770, he was chosen a representative, from the town of Boston, in the legislature of Massachusetts. The same year he was one of the counsel who defended Captain Preston, and the British soldiers who fired at his order, upon the inhabitants of Boston. Captain Preston was acquitted, and Mr. Adams lost no favor with his fellow-citizens by engaging in this trial. As a member of the legislature, he opposed the royal governor, Hutchinson, in his measures, and also wrote against the British government in the newspapers. In 1774, he was elected a member of the Massachusetts council, and negatived by Governor Gage. In this and the next year, he wrote on the whig side the numbers called "Nov Anglus," in reply to essays, signed "Massachusitensis," in favor of the British government, by Sewall, the attorney-general. The same year he was appointed a member of the continental congress, from Massachusetts, and in that body, which met at Philadelphia, he became one of the most efficient and able advocates of liberty. In the Congress which met in May, 1775, he again took his seat, having been reappointed as a delegate. In 1775

he seconded the nomination of Washington as commander-in-chief of the army, and in July, 1776, he was the adviser and great supporter of the declaration of independence. It was reported by a committee composed of Thomas Jefferson, John Adams, Benjamin Franklin, Roger Sherman, and Robert R. Livingston. During the same year, he, with Doctor Franklin and Edward Rutledge, was deputed to treat with Lord Howe for the pacification of the colonies. He declined, at this time, the offer of the office of chief justice of the supreme court of Massachusetts.

In December, 1777, Mr. Adams was appointed a commissioner to the court of France, in place of Silas Deane, who was recalled. He embarked in the frigate Boston, in February, 1778. On his arrival in France he found a treaty of amity and commerce, also a treaty of alliance, had been already signed, and, after Doctor Franklin received from Congress the appointment of minister plenipotentiary, Mr. Adams returned to the United States, in the summer of 1779.

Immediately after his return he was chosen a member of the Massachusetts convention for framing the new state constitution. He accepted a seat in that body, and his plan for a constitution being reported by a committee of which he was a member, was, in most of its important features, adopted by the convention.

During the time when he was attending to the business of the Massachusetts convention, Congress resolved to appoint a minister plenipotentiary for negotiating a treaty of peace with Great Britain. On the 29th of September, 1779, Mr. Adams received this appointment, and sailed in the French frigate La Sensible, in November. He landed at Ferrol, in Spain, and arrived in Paris in February, 1780. In August he repaired to Amsterdam, having previously been instructed to procure loans in Holland, and soon afterward receiving power to negotiate a treaty of amity and commerce. In 1782 he effected a loan for eight millions of guilders, also negotiated a very favorable treaty with Holland, which nation recognised the United States as free, sovereign, and independent.

In 1781 Mr. Adams was associated by Congress with Franklin, Jay, Laurens, and Jefferson, in a commission for concluding treaties of peace with the several European powers; and in 1783 he was associated with Franklin and Jay for the purpose of negotiating a commercial treaty with Great Britain. The definitive treaty of peace with Great Britain was signed on the 3d of September, 1783, by Messrs. Adams, Franklin, and Jay; the provisional treaty had been signed by the same commissioners, with Mr. Laurens, on the 30th of November, 1782.

During part of the year 1784, Mr. Adams remained in Holland, and returned to France, where he joined his associates appointed by Congress to negotiate commercial treaties with foreign nations. An extensive plan of operations for commercial conventions was formed, but not carried out.

In January, 1785, Congress appointed Mr. Adams minister to represent

the United States at the court of Great Britain, an office at that time deemed peculiarly delicate and interesting. Although his reception by the king was favorable and courteous, Mr. Adams found the British ministry cold and unfriendly toward the United States, and he was, therefore, unable to negotiate a commercial treaty with that nation. In other respects, however, he rendered valuable services to his country, and, besides assisting in forming treaties with Prussia and Morocco, he wrote, while in Europe, an elaborate and eloquent defence of the forms of government established in the United States, in reply to strictures advanced by Mr. Turgot, the Abbé de Mably, Dr. Price, and other European writers. Immediately after the publication of this work, Mr. Adams asked permission to resign and return, and in June, 1788, he arrived in his native land, after an absence of between eight and nine years.

The services of Mr. Adams in the cause of his country, at home and abroad, during the period to which we have referred, it is believed, were not excelled by those of any other of the patriots of the revolution. In the language of one of his eulogists (Mr. J. E. Sprague, of Massachusetts): "Not a hundred men in the country could have been acquainted with any part of the labors of Mr. Adams—they appeared anonymously, or under assumed titles; they were concealed in the secret conclaves of Congress, or the more secret cabinets of princes. Such services are never known to the public; or, if known, only in history, when the actors of the day have passed from the stage, and the motives for longer concealment cease to exist. As we ascend the mount of history, and rise above the vapors of party prejudice, we shall all acknowledge that we owe our independence more to John Adams than to any other created being, and that he was the GREAT LEADER of the American Revolution."

When permission was given him to return from Europe, the continental Congress adopted the following resolution: "Resolved, that Congress entertain a high sense of the services which Mr. Adams has rendered to the United States, in the execution of the various important trusts which they have from time to time committed to him; and that the thanks of Congress be presented to him for the patriotism, perseverance, integrity, and diligence, with which he has ably and faithfully served his country." Such was the testimonial of his country, expressed through the national councils, at the termination of his revolutionary and diplomatic career.

During the absence of Mr. Adams in Europe, the constitution of the United States had been formed and adopted. He highly approved of its provisions, and on his return, when it was about to go into operation, he was selected by the friends of the constitution to be placed on the ticket with Washington as a candidate for one of the two highest offices in the gift of the people. He was consequently elected vice-president, and on the assembling of the senate, he took his seat as president of that body, at New York, in April, 1789. Having been re-elected to that office in 1792,

he held it, and presided in the senate, with great dignity, during the entire period of Washington's administration, whose confidence he enjoyed, and by whom he was consulted on important questions. In his valedictory address to the senate, he remarks: "It is a recollection of which nothing can ever deprive me, and it will be a source of comfort to me through the remainder of my life, that on the one hand, I have for eight years held the second situation under our constitution, in perfect and uninterrupted harmony with the first, without envy in the one, or jealousy in the other, so, on the other hand, I have never had the smallest misunderstanding with any member of the senate."

In 1790, Mr. Adams wrote his celebrated "Discourses on Davila;" they were anonymously published, at first, in the Gazette of the United States, of Philadelphia, in a series of numbers; they may be considered as a sequel to his "Defence of the American Constitutions." He was a decided friend and patron of literature and the arts, and while in Europe, having obtained much information on the subject of public institutions, he contributed largely to the advancement of establishments in his native state, for the encouragement of arts, sciences, and letters.

On the retirement of General Washington from the presidency of the United States, Mr. Adams was elected his successor, after a close and spirited contest with two rivals for that high office; Mr. Jefferson being supported by the democratic or republican party, while a portion of the federal party preferred Mr. Thomas Pinckney, of South Carolina, who was placed on the ticket with Mr. Adams. The result, as we have stated, in our notice of Washington's administration, was the election of Mr. Adams as president, and Mr. Jefferson as vice-president, and in March, 1797, they entered upon their duties in those offices.

On meeting the senate, as their presiding officer, Mr. Jefferson remarked, that the duties of the chief magistracy had been "justly confided to the eminent character who preceded him, whose talents and integrity," he added, "have been known and revered by me through a long term of years; have been the foundation of a cordial and uninterrupted friendship between us; and I devoutly pray that he may be long preserved for the government, the happiness, and prosperity of our country." The senate adopted an address taking leave of Mr. Adams, after he had presided over them for eight years, with the strongest expressions of respect and attachment.

The administration of Mr. Adams we shall have occasion to notice in another place. He came to the presidency in a stormy time. In the language of Colonel Knapp, "the French revolution had just reached its highest point of settled delirium, after some of the paroxysms of its fury had passed away. The people of the United States took sides, some approving, others deprecating, the course pursued by France. Mr. Adams wished to preserve a neutrality, but found this quite impossible. A navy

was raised, with surprising promptitude, to prevent insolence, and to chastise aggression. It had the desired effect, and France was taught that the Americans were friends in peace, but were not fearful of war when it could not be averted. When the historian shall come to this page of our history, he will do justice to the sagacity, to the spirit, and to the integrity of Mr. Adams, and will find that he had more reasons, and good ones for his conduct, than his friends or enemies ever gave him."

In his course of public policy, when war with France was expected, he was encouraged by addresses from all quarters, and by the approving voice of Washington. He, however, gave dissatisfaction to many of his own political party, in his final attempts to conciliate France, and in his removal of two members of his cabinet, toward the close of his administration. Under these circumstances, notwithstanding Mr. Adams was the candidate of the federal party for re-election as president, and received their faithful support, it is not strange that his opponents, with the advantage in their favor of the superior popularity of Mr. Jefferson, succeeded in defeating him. For this event, the correspondence of Mr. Adams shows that he was prepared, and he left the arduous duties of chief magistrate probably with less of disappointment than his enemies had expected.

Immediately after Mr. Jefferson had succeeded to the presidency, in 1801, Mr. Adams retired to his estate at Quincy, in Massachusetts, and passed the remainder of his days in literary and scientific leisure, though occasionally addressing various communications to the public. He gave his support generally to the administration of Mr. Jefferson, and the friendship between these distinguished men was revived by a correspondence, and continued for several years previous to their death. When the disputes with Great Britain eventuated in war, Mr. Adams avowed his approbation of that measure, and in 1815 he saw the second treaty of peace concluded with that nation, by a commission of which his son was at the head, as he had been himself in that commission which formed the treaty of 1783.

In 1816, the republican party in Massachusetts, which had once vehemently opposed him as president of the United States, paid him the compliment of placing his name at the head of their list of presidential electors. In 1820, he was chosen a member of the state convention to revise the constitution of Massachusetts, which body unanimously solicited him to act as their president. This he declined, on account of his age, but he was complimented by a vote of the convention acknowledging his great services, for a period of more than half a century, in the cause of his country and of mankind.

In 1818, he had lost, by her death, his amiable and faithful consort, who had for so many years shared his anxieties and fortunes. His only daughter, Mrs Smith, died in 1813. These ladies were distinguished

through life as among the most excellent and talented of American females. The heroic spirit of Mrs. Adams is shown in a striking light in a letter from her to a friend in London, dated in 1777; we give the following extract: "Heaven is our witness, that we do not rejoice in the effusion of blood; but having forced us to draw the sword, we are determined never to sheathe it slaves of Britain. Our cause is, I trust, the cause of truth and justice, and will finally prevail, though the combined force of earth and hell shall rise against them. To this cause I have sacrificed much of my own personal happiness, by giving up to the councils of America one of my nearest connexions, and living for more than three years in a state of widowhood."

The last years of the long life of Mr. Adams were peaceful and tranquil. His mansion was always the abode of elegant hospitality, and he was occasionally enlivened by visits from his distinguished son, who, in 1825, he had the singular felicity of seeing elevated to the office of president of the United States. At length, having lived to a good old age, he expired, surrounded by his affectionate relatives, on the fourth of July, 1826, the fiftieth anniversary of that independence which he had done so much to achieve. A short time before his death, being asked to suggest a toast for the customary celebration, he replied, "I will give you—Independence for ever." It is known that Mr. Jefferson died on the same day—a most remarkable dispensation of Providence. A similar coincidence occurred five years afterward, in the death of President Monroe, July 4, 1831.

Mr. Adams was of middle stature, and full person, and when elected president, he was bald on the top of his head. His countenance beamed with intelligence, and moral as well as physical courage. His walk was firm and dignified, to a late period of his life. His manner was slow and deliberate, unless he was excited, and when this happened, he expressed himself with great energy. He was ever a man of purest morals, and is said to have been a firm believer in Christianity, not from habit and example, but from diligent investigation of its proofs.

To use the words of a political friend of his (Mr. Sullivan): "He had an uncompromising regard for his own opinion; and seemed to have supposed that his opinions could not be corrected by those of other men, nor bettered by any comparison. It is not improbable that Mr. Adams was impatient in finding how much the more easily understood services of military men were appreciated, than were the secluded, though no less important ones, of diplomatic agency and cabinet council. So made up, from natural propensities, and from the circumstances of his life, Mr. Adams came to the presidency at the time when more forbearance and discretion were required than he is supposed to have had. He seems to have been deficient in the rare excellence of attempting to see himself as others saw him; and he ventured to act as though everybody

saw as he saw himself. He considered only what was right in his own view; and that was to be carried by main force, whatever were the obstacles."

But whatever may be the judgment of posterity as to his merits as a ruler, there can be no question on the subject of his general character—nor of his penetrating mind—his patriotism, and his devotion to what he considered the true interests of his country.

ADAMS'S

ADDRESSES AND MESSAGES.

INAUGURAL ADDRESS.

MARCH 4, 1797.

WHEN it was first perceived, in early times, that no middle course for America remained between unlimited submission to a foreign legislature and a total independence of its claims, men of reflection were less apprehensive of danger from the formidable power of fleets and armies they must determine to resist, than from those contests and dissensions which would certainly arise concerning the forms of government to be instituted over the whole and over parts of this extensive country. Relying, however, on the purity of their intentions, the justice of their cause, and the integrity and intelligence of the people, under an overruling Providence which had so signally protected this country from the first, the representatives of this nation, then consisting of little more than half its present number, not only broke to pieces the chains which were forging and the rod of iron that was lifted up, but frankly cut asunder the ties which had bound them, and launched into an ocean of uncertainty.

The zeal and ardor of the people during the revolutionary war, supplying the place of government, commanded a degree of order sufficient at least for the temporary preservation of society. The confederation which was early felt to be necessary was prepared from the models of the Batavian and Helvetic confederacies—the only examples which remain with any detail and precision in history, and certainly the only ones which the people at large had ever considered. But reflecting on the striking difference, in so many particulars, between this country and those where a courier may go from the seat of government to the frontier in a single day, it was then certainly foreseen by some who assisted in Congress at the formation of it that it could not be durable.

Negligence of its regulations, inattention to its recommendations, if not disobedience to its authority, not only in individuals but in states, soon appeared with their melancholy consequences—universal languor, jealousies, and rivalries of states, decline of navigation and commerce, discouragement of necessary manufactures, universal fall in the value of lands and their produce, contempt of public and private faith, loss of consideration and credit with foreign nations, and at length in discontents, animosities combinations, partial conventions, and insurrection, threatening some grea national calamity.

In this dangerous crisis, the people of America were not abandoned by their usual good sense, presence of mind, resolution, or integrity. Measures were pursued to concert a plan to form a more perfect union, establish justice, insure domestic tranquillity, provide for the common defence, promote the general welfare, and secure the blessings of liberty. The public disquisitions, discussions, and deliberations, issued in the present happy constitution of government.

Employed in the service of my country abroad during the whole course of these transactions, I first saw the constitution of the United States in a foreign country. Irritated by no literary altercation, animated by no public debate, heated by no party animosity, I read it with great satisfaction, as a result of good heads, prompted by good hearts, as an experiment better adapted to the genius, character, situation, and relations of this nation and country than any which had ever been proposed or suggested. In its general principles and great outlines, it was conformable to such a system of government as I had ever most esteemed, and in some states, my own native state in particular, had contributed to establish. Claiming a right of suffrage, in common with my fellow-citizens, in the adoption or rejection of a constitution which was to rule me and my posterity as well as them and theirs, I did not hesitate to express my approbation of it on all occasions, in public and in private. It was not then, nor has been since, any objection to it in my mind that the executive and senate were not more permanent. Nor have I ever entertained a thought of promoting any alteration in it, but such as the people themselves, in the course of their experience, should see and feel to be necessary, or expedient, and by their representatives in Congress and the state legislature, according to the constitution itself, adopt and ordain.

Returning to the bosom of my country after a painful separation from it for ten years, I had the honor to be elected to a station under the new orde of things, and I have repeatedly laid myself under the most serious obligations to support the constitution. The operation of it has equalled the most sanguine expectations of its friends, and from an habitual attention to it, satisfaction in its administration, and delight in its effects upon the peace, order, prosperity, and happiness of the nation, I have acquired an habitual attachment to it and veneration for it.

What other form of government, indeed, can so well deserve our esteem and love ?

There may be little solidity in an ancient idea that congregations of men into cities and nations are the most pleasing objects in the sight of superior intelligences ; but this is very certain, that to a benevolent human mind there can be no spectacle presented by any nation more pleasing, more noble, majestic, or august, than an assembly like that which has so often been seen in this and the other chamber of Congress, of a government in which the executive authority, as well as that of all other branches of the legislature, are exercised by citizens selected at regular periods by their neighbors to make and execute the laws for the general good. Can any thing essential, any more than mere ornament and decoration, be added to this by robes and diamonds ? Can authority be more amiable and respectable when it descends from accidents, or institutions established in remote antiquity, than when it springs fresh from the hearts and judgments of an honest and enlightened people ? For it is the people only that are represented. It is their power and majesty that is reflected, and only their good is sought in every legitimate government, under whatever form it may

appear. The existence of such a government as ours for any length of time is a full proof of a general dissemination of knowledge and virtue throughout the whole body of the people. And what object or consideration more pleasing than this can be presented to the human mind? If national pride is ever justifiable or excusable, it is when it springs, not from power or riches, grandeur or glory, but from conviction of national innocence, information, and benevolence.

In the midst of these pleasing ideas, we should be unfaithful to ourselves if we should ever lose sight of the danger to our liberties, if anything partial or extraneous should infect the purity of our free, fair, virtuous, and independent elections. If an election is to be determined by a majority of a single vote, and that can be procured by a party through artifice or corruption, the government may be the choice of a party for its own ends, not of the nation for the national good. If that solitary suffrage can be obtained by foreign nations by flattery or menaces, by fraud or violence, by terror, intrigue, or venality, the government may not be the choice of the American people, but of foreign nations. It may be foreign nations who govern us, and not we, the people, who govern ourselves. And candid men will acknowledge that in such cases choice would have little advantage to boast of over lot or chance.

Such is the amiable and interesting system of government, and such are some of the abuses to which it may be exposed, which the people of America have exhibited to the admiration and anxiety of the wise and virtuous of all nations for eight years, under the administration of a citizen, who, by a long course of great actions, regulated by prudence, justice, temperance, and fortitude, conducting a people, inspired with the same virtues and animated with the same ardent patriotism and love of liberty, to independence and peace, to increasing wealth and unexampled prosperity, has merited the gratitude of his fellow-citizens, commanded the highest praises of foreign nations, and secured immortal glory with posterity.

In that retirement which is his voluntary choice, may he long live to enjoy the delicious recollection of his services, the gratitude of mankind, the happy fruits of them to himself and the world, which are daily increasing, and that splendid prospect of the future fortunes of this country which is opening from year to year His name may still be a rampart, and the knowledge that he lives, a bulwark against all open or secret enemies of his country's peace. His example has been recommended to the imitation of his successors by both houses of Congress, and by the voice of the legislatures and the people throughout the nation.

On this subject it might become me better to be silent, or to speak with diffidence; but as something may be expected, the occasion I hope will be admitted as an apology, if I venture to say that if a preference, upon principle, of a free republican government, formed upon long and serious reflection, after a diligent and impartial inquiry after truth; if an attachment to the constitution of the United States, and a conscientious determination to support it until it shall be altered by the judgments and wishes of the people, expressed in the mode prescribed in it; if a respectful attention to the constitutions of the individual states, and a constant caution and delicacy toward the state governments; if an equal and important regard to the rights, interest, honor, and happiness, of all the states in the Union, without preference or regard to a northern or southern, an eastern or western position, their various political opinions on essential points, or

their personal attachments; if a love of virtuous men of all parties and denominations; if a love of science and letters, and a wish to patronise every rational effort to encourage schools, colleges, universities, academies, and every institution for propagating knowledge, virtue, and religion, among all classes of the people, not only for their benign influence on the happiness of life in all its stages and classes, and of society in all its forms, but as the only means of preserving our constitution from its natural enemies, the spirit of sophistry, the spirit of party, the spirit of intrigue, the profligacy of corruption, and the pestilence of foreign influence, which is the angel of destruction to elective governments; if a love of equal laws, of justice, and humanity in the interior administration; if an inclination to improve agriculture, commerce, and manufactures, for necessity, convenience, and defence; if a spirit of equity and humanity toward the aboriginal nations of America, and a disposition to meliorate their condition by inclining them to be more friendly to us and our citizens to be more friendly to them; if an inflexible determination to maintain peace and inviolable faith with all nations, and that system of neutrality and impartiality among the belligerent powers of Europe which has been adopted by this government, and so solemnly sanctioned by both houses of Congress, and applauded by the legislature of the states and the public opinion, until it shall be otherwise ordained by Congress; if a personal esteem for the French nation, formed in a residence of seven years chiefly among them, and a sincere desire to preserve the friendship which has been so much for the honor and interest of both nations; if, while the conscious honor and integrity of the people of America, and the internal sentiment of their own power and energies must be preserved, an earnest endeavor to investigate every just cause, and remove every colorable pretence of complaint; if an intention to pursue by amicable negotiation a reparation for the injuries that have been committed on the commerce of our fellow-citizens by whatever nation, and if success can not be obtained, to lay the facts before the legislature that they may consider what further measures the honor and interest of the government and its constituents demand; if a resolution to do justice as far as may depend upon me, at all times and to all nations, and maintain peace, friendship, and benevolence, with all the world; if an unshaken confidence in the honor, spirit, and resources of the American people, on which I have so often hazarded my all, and never been deceived; if elevated ideas of the high destinies of this country and of my own duties toward it, founded on a knowledge of the moral principles and intellectual improvements of the people, deeply engraven on my mind in early life, and not obscured but exalted by experience and age, and, with humble reverence, I feel it to be my duty to add, if a veneration for the religion of a people who profess and call themselves Christians, and a fixed resolution to consider a decent respect for Christianity among the best recommendations for the public service, can enable me in any degree to comply with your wishes, it shall be my strenuous endeavor that this sagacious injunction of the two houses shall not be without effect.

With this great example before me, with the sense and spirit, the faith and honor, the duty and interest, of the same American people pledged to support the constitution of the United States, I entertain no doubt of its continuance in all its energy, and my mind is prepared, without hesitation, to lay myself under the most solemn obligations to support it to the utmost of my power.

And may that Being who is supreme over all, the Patron of order, the Fountain of justice, and the Protector, in all ages of the world, of virtuous liberty, continue his blessing upon this nation and its government, and give it all possible success and duration consistent with the ends of his providence.

SPECIAL SESSION.—MESSAGE.

MAY 16, 1797.

Gentlemen of the Senate and House of Representatives:—

THE personal inconvenience to members of the senate and of the house of representatives, in leaving their families and private affairs at this season of the year, are so obvious, that I the more regret the extraordinary occasion which has rendered the convention of Congress indispensable.

It would have afforded me the highest satisfaction to have been able to congratulate you on a restoration of peace to the nations of Europe whose animosities have endangered our tranquillity. But we have still abundant cause of gratitude to the Supreme Dispenser of national blessings, for general health and promising seasons—for domestic and social happiness—for the rapid progress and ample acquisitions of industry through our extensive territories—for civil, political, and religious liberty. While other states are desolated with foreign war, or convulsed with intestine divisions, the United States present the pleasing prospect of a nation governed by mild and equal laws—generally satisfied with the possession of their rights—neither envying the advantages nor fearing the power of other nations—solicitous only for the maintenance of order and justice, and the preservation of liberty—increasing daily in their attachment to a system of government in proportion to their experience of its utility—yielding a ready and general obedience to laws flowing from the reason, and resting on the only solid foundation, the affections of the people.

It is with extreme regret that I shall be obliged to turn your thoughts to other circumstances, which admonish us that some of these felicities may not be lasting. But if the tide of our prosperity is full and a reflux commencing, a vigilant circumspection becomes us, that we may meet our reverses with fortitude, and extricate ourselves from their consequences with all the skill we possess and all the efforts in our power.

In giving to Congress information of the state of the Union, and recommending to their consideration such measures as appear to me to be expedient or necessary, according to my constitutional duty, the causes and the object of the present extraordinary session will be explained.

After the president of the United States received information that the French government had expressed serious discontents at some proceedings of the government of these states said to affect the interests of France, he thought it expedient to send to that country a new minister, fully instructed to enter on such amicable discussions, and to give such candid explanations, as might happily remove the discontents and suspicions of the French government, and vindicate the government of the United States. For this purpose, he selected from among his fellow-citizens a character

whose integrity, talents, experience, and services, had placed him in the rank of the most esteemed and respected in the nation. The direct object of his mission was expressed in his letter of credence to the French republic, being "to maintain that good understanding which, from the commencement of the alliances, had subsisted between the two nations, and to efface unfavorable impressions, banish suspicions, and restore that cordiality which was at once the evidence and pledge of a friendly union." And his instructions were to the same effect, "faithfully to represent the disposition of the government and people of the United States, their disposition being one to remove jealousies and obviate complaints by showing that they were groundless, to restore that mutual confidence which had been so unfortunately and injuriously impaired, and to explain the relative interests of both countries, and the real sentiments of his own."

A minister thus specially commissioned it was expected would prove the instrument of restoring mutual confidence between the republics. The first step of the French government corresponded with that expectation. A few days before his arrival at Paris, the French minister of foreign relations informed the American minister then resident at Paris of the formalities to be observed by himself in taking leave, and by his successor preparatory to his reception. These formalities they observed, and on the 9th December presented officially to the minister of foreign relations, the one a copy of his letters of recall, the other a copy of his letters of credence.

These were laid before the executive directory. Two days afterward, the minister of foreign relations informed the recalled American minister that the executive directory had determined not to receive another minister plenipotentiary from the United States until after the redress of grievances demanded of the American government, and which the French republic had a right to expect from it. The American minister immediately endeavored to ascertain whether, by refusing to receive him, it was intended that he should retire from the territories of the French republic; and verbal answers were given that such was the intention of the directory. For his own justification, he desired a written answer; but obtained none until toward the last of January, when, receiving notice in writing to quit the territories of the republic, he proceeded to Amsterdam, where he proposed to wait for instructions from this government. During his residence at Paris, cards of hospitality were refused him, and he was threatened with being subjected to the jurisdiction of the minister of police; but with becoming firmness, he insisted on the protection of the law of nations due to him as the known minister of a foreign power. You will derive further information from his despatches, which will be laid before you.

As it is often necessary that nations should treat for the mutual advantage of their affairs, and especially to accommodate and terminate difficulties, and as they can treat only by ministers, the right of embassy is well known and established by the law and usage of nations. The refusal on the part of France to receive our minister, is, then, the denial of a right; but the refusal to receive him until we had acceded to their demands without discussion and without investigation, is to treat us neither as allies, nor as friends, nor as a sovereign state.

With this conduct of the French government, it will be proper to take into view the public audience given to the late minister of the United States on his taking leave of the executive directory. The speech of the

president discloses sentiments more alarming than the refusal of a minister, because more dangerous to our independence and Union, and at the same time studiously marked with indignities toward the government of the United States. It evinces a disposition to separate the people of the United States from the government—to persuade them that they have different affections, principles, and interests, from those of their fellow-citizens whom they themselves have chosen to manage their common concerns—and thus to produce divisions fatal to our peace. Such attempts ought to be repelled with a decision that shall convince France and the world that we are not a degraded people, humbled under a colonial spirit of fear and sense of inferiority, fitted to be the miserable instruments of foreign influence, and regardless of national honor, character, and interest.

I should have been happy to have thrown a veil over these transactions, if it had been possible to conceal them; but they have passed on the great theatre of the world, in the face of all Europe and America, and with such circumstances of publicity and solemnity that they can not be disguised, and will not soon be forgotten. They have inflicted a wound on the American breast. It is my sincere desire, however, that it may be healed.

It is my sincere desire, and in this I presume I concur with you and with our constituents, to preserve peace and friendship with all nations; and believing that neither the honor nor the interest of the United States absolutely forbid the repetition of advances for securing these desirable objects with France, I shall institute a fresh attempt at negotiation, and shall not fail to promote and accelerate an accommodation on terms compatible with the rights, duties, interests, and honor of the nation. If we have committed errors, and these can be demonstrated, we shall be willing to correct them. And equal measure of justice we have a right to expect from France, and every other nation.

The diplomatic intercourse between the United States and France being at present suspended, the government has no means of obtaining official information from that country. Nevertheless, there is reason to believe that the executive directory passed a decree on the second of March last, contravening in part the treaty of amity and commerce of one thousand seven hundred and seventy-eight, injurious to our lawful commerce, and endangering the lives of our citizens. A copy of this decree will be laid before you.

While we are endeavoring to adjust all our differences with France by amicable negotiation, the progress of the war in Europe, the depredations on our commerce, the personal injuries to our citizens, and the general complexion of our affairs, render it my indispensable duty to recommend to your consideration effectual measures of defence.

The commerce of the United States has become an interesting object of attention, whether we consider it in relation to the wealth and finances, or the strength and resources, of the nation. With a seacoast of near two thousand miles in extent, opening a wide field for fisheries, navigation, and commerce, a great portion of our citizens naturally apply their industry and enterprise to those objects. Any serious and permanent injury to commerce would not fail to produce the most embarrassing disorders. To prevent it from being undermined and destroyed, it is essential that it receive an adequate protection.

The naval establishment must occur to every man who considers the injuries committed on our commerce, and the insults offered to our citizens, and the description of the vessels by which those abuses have been

practised. As the sufferings of our mercantile and seafaring citizens can not be ascribed to the omission of duties demandable, considering the neutral situation of our country, they are to be attributed to the hope of impunity, arising from a supposed inability on our part to afford protection To resist the consequences of such impressions on the minds of foreign nations, and to guard against the degradation and servility which they must finally stamp on the American character, is an important duty of government.

A naval power, next to the militia, is the natural defence of the United States. The experience of the last war would be sufficient to show that a moderate naval force, such as would be easily within the present abilities of the Union, would have been sufficient to have baffled many formidable transportations of troops from one state to another, which were then practised. Our seacoasts, from their great extent, are more easily annoyed and more easily defended by a naval force than any other. With all the materials, our country abounds; in skill, our naval architects and navigators are equal to any; and commanders and seamen will not be wanting.

But although the establishment of a permanent system of naval defence appears to be requisite, I am sensible it can not be formed so speedily and extensively as the present crisis demands. Hitherto, I have thought proper to prevent the sailing of armed vessels, except on voyages to the East Indies, where general usage and the danger from pirates appeared to render the permission proper. Yet the restriction has originated solely from a wish to prevent collisions with the powers at war, contravening the act of Congress of June, one thousand seven hundred and ninety-four, and not from any doubt entertained by me of the policy and propriety of permitting our vessels to employ means of defence while engaged in a lawful foreign commerce. It remains for Congress to prescribe such regulations as will enable our seafaring citizens to defend themselves against violations of the law of nations, and at the same time restrain them from committing acts of hostility against the powers at war. In addition to this voluntary provision for defence by individual citizens, it appears to me necessary to equip the frigates, and to provide other vessels of inferior force, to take under convoy such merchant-vessels as shall remain unarmed.

The greater part of the cruisers, whose depredations have been most injurious, have been built, and some of them partially equipped, in the United States. Although an effectual remedy may be attended with difficulty, yet I have thought it my duty to present the subject generally to your consideration. If a mode can be devised by the wisdom of Congress to prevent the resources of the United States from being converted into the means of annoying our trade, a great evil will be prevented. With the same view, I think it proper to mention that some of our citizens, residents abroad, have fitted out privateers, and others have voluntarily taken the command, or entered on board of them, and committed spoliations on the commerce of the United States. Such unnatural and iniquitous practices can be restrained only by severe punishments.

But besides a protection of our commerce on the seas, I think it highly necessary to protect it at home, where it is collected in our most important ports. The distance of the United States from Europe, and the well-known promptitude, ardor, and courage of the people in defence of their country, happily diminish the probability of invasion. Nevertheless, to guard against sudden and predatory incursions, the situation of some of

our principal seaports demands your consideration. And as our country is vulnerable in other interests besides those of commerce, you will seriously deliberate whether the means of general defence ought not to be increased by an addition to the regular artillery and cavalry, and by arrangements for forming a provisional army.

With the same view, and as a measure which, even in time of universal peace, ought not to be neglected, I recommend to your consideration a revision of the laws for organizing, arming, and disciplining the militia, to render that natural and safe defence of the country efficacious.

Although it is very true that we ought not to involve ourselves in the political system of Europe, but to keep ourselves always distinct and separate from it if we can, yet to effect this separation, early, punctual, and continual information of the current chain of events, and of the political projects in contemplation, is no less necessary than if we were directly concerned in them. It is necessary, in order to the discovery of the efforts made to draw us in the vortex, in season to make preparations against them. However we may consider ourselves, the maritime and commercial powers of the world will consider the United States of America as forming a weight in that balance of power in Europe which can never be forgotten or neglected. It would not only be against our interest, but it would be doing wrong to one half of Europe at least, if we should voluntarily throw ourselves into either scale. It is a natural policy for a nation that studies to be neutral to consult with other nations engaged in the same studies and pursuits. At the same time that measures might be pursued with this view, our treaties with Prussia and Sweden, one of which is expired and the other near expiring, might be renewed.

Gentlemen of the House of Representatives:—

It is particularly your province to consider the state of the public finances, and to adopt such measures respecting them as exigencies shall be found to require. The preservation of public credit, the regular extinguishment of the public debt, and a provision of funds to defray any extraordinary expenses, will of course call for your serious attention. Although the imposition of new burdens can not be in itself agreeable, yet there is no ground to doubt that the American people will expect from you such measures as their actual engagements, their present security, and future interests demand.

Gentlemen of the Senate and House of Representatives:—

The present situation of our country imposes an obligation on all the departments of government to adopt an explicit and decided conduct. In my situation, an exposition of the principles by which my administration will be governed ought not to be omitted.

It is impossible to conceal from ourselves or the world, what has been before observed, that endeavors have been employed to foster and establish a division between the government and the people of the United States. To investigate the causes which have encouraged this attempt is not necessary; but to repel, by decided and united councils, insinuations so derogatory to the honor, and aggressions so dangerous to the constitution, union, and even independence of the nation, is an indispensable duty.

It must not be permitted to be doubted whether the people of the United States will support the government established by their voluntary consent and appointed by their free choice, or whether, surrendering themselves to

the direction of foreign and domestic factions, in opposition to their own government, they will forfeit the honorable station they have hitherto maintained.

For myself, having never been indifferent to what concerned the interests of my country—devoted the best part of my life to obtain and support its independence—and constantly witnessed the patriotism, fidelity, and perseverance of my fellow-citizens on the most trying occasions—it is not for me to hesitate or abandon a cause in which my heart has been so long engaged.

Convinced that the conduct of the government has been just and impartial to foreign nations—that those internal regulations which have been established by law for the preservation of peace are in their nature, proper, and that they have been fairly executed—nothing will ever be done by me to impair the national engagements, to innovate upon principles which have been so deliberately and uprightly established, or to surrender in any manner the rights of the government. To enable me to maintain this declaration, I rely, under God, with entire confidence on the firm and enlightened support of the national legislature, and upon the virtue and patriotism of my fellow-citizens.

FIRST ANNUAL ADDRESS.

NOVEMBER 23, 1797.

Gentlemen of the Senate and Gentlemen of the House of Representatives:—

I WAS for some time apprehensive that it would be necessary, on account of the contagious sickness which afflicted the city of Philadelphia, to convene the national legislature at some other place. This measure it was desirable to avoid, because it would occasion much public inconvenience and a considerable public expense, and add to the calamities of the inhabitants of this city, whose sufferings must have excited the sympathy of all their fellow-citizens. Therefore, after taking measures to ascertain the state and decline of the sickness, I postponed my determination, having hopes (now happily realized) that, without hazard to the lives of the members, Congress might assemble at this place, where it was by law next to meet. I submit, however, to your consideration, whether a power to postpone the meeting of Congress, without passing the time fixed by the constitution upon such occasions, would not be a useful amendment to the law of one thousand seven hundred and ninety-four.

Although I can not yet congratulate you on the re-establishment of peace in Europe, and the restoration of security to the persons and properties of our citizens from injustice and violence at sea, we have, nevertheless, abundant cause of gratitude to the Source of benevolence and influence for interior tranquillity and personal security, for propitious seasons, prosperous agriculture, productive fisheries, and general improvements, and, above all, for a rational spirit of civil and religious liberty, and a calm but steady determination to support our sovereignty, as well as our moral and religious principles, against all open and secret attacks.

Our envoys extraordinary to the French republic embarked, one in July, the other early in August, to join their colleague in Holland. I have re-

ceived intelligence of the arrival of both of them in Holland, from whence they all proceeded on their journeys to Paris, within a few days of the 19th of September. Whatever may be the result of this mission, I trust that nothing will have been omitted on my part to conduct the negotiation to a successful conclusion, on such equitable terms as may be compatible with the safety, honor, and interests of the United States. Nothing, in the meantime, will contribute so much to the preservation of peace and the attainment of justice, as a manifestation of that energy and unanimity of which, on many former occasions, the people of the United States have given such memorable proofs, and the exertion of those resources for national defence which a beneficent Providence has kindly placed within their power.

It may be confidently asserted, that nothing has occurred since the adjournment of Congress which renders inexpedient those precautionary measures recommended by me to the consideration of the two houses at the opening of your late extraordinary session. If that system was then prudent, it is more so now, as increasing depredations strengthen the reasons for its adoption.

Indeed, whatever may be the issue of the negotiations with France, and whether the war in Europe is or is not to continue, I hold it most certain that permanent tranquillity and order will not soon be obtained. The state of society has so long been disturbed, the sense of moral and religious obligations so much weakened, public faith and national honor have been so impaired, respect to treaties has been so diminished, and the law of nations has lost so much of its force, while pride, ambition, avarice, and violence, have been so long unrestrained, there remains no reasonable ground on which to raise an expectation that a commerce without protection or defence will not be plundered.

The commerce of the United States is essential, if not to their existence, at least to their comfort, their growth, prosperity, and happiness. The genius, character, and habits of the people, are highly commercial. Their cities have been formed and exist upon commerce. Our agriculture, fisheries, arts, and manufactures, are connected with and depend upon it. In short, commerce has made this country what it is, and it can not be destroyed or neglected without involving the people in poverty and distress. Great numbers are directly and solely supported by navigation. The faith of society is pledged for the preservation of the rights of commercial and seafaring, no less than of the other, citizens. Under this view of our affairs, I should hold myself guilty of a neglect of duty if I forbore to recommend that we should make every exertion to protect our commerce, and to place our country in a suitable posture of defence, as the only sure means of preserving both.

I have entertained an expectation that it would have been in my power, at the opening of this session, to have communicated to you the agreeable information of the due execution of our treaty with his catholic majesty respecting the withdrawing of his troops from our territory and the demarcation of the line of limits. But by the latest authentic intelligence, Spanish garrisons were still continued within our country, and the running of the boundary line had not been commenced. These circumstances are the more to be regretted, as they can not fail to affect the Indians in a manner injurious to the United States. Still, however, indulging the hope that the answers which have been given will remove the objections offered by the Spanish officers to the immediate execution of the treaty, I have judged

it proper that we should continue in readiness to receive the posts and to run the line of limits. Further information on this subject will be communicated in the course of the session.

In connexion with this unpleasant state of things on our western frontier, it is proper for me to mention the attempts of foreign agents to alienate the affections of the Indian nations, and to excite them to actual hostilities against the United States. Great activity has been exerted, by those persons who have insinuated themselves among the Indian tribes residing within the territory of the United States, to influence them to transfer their affections and force to a foreign nation, to form them into a confederacy and prepare them for a war against the United States. Although measures have been taken to counteract these infractions of our rights, to prevent Indian hostilities, and to preserve entire their attachment to the United States, it is my duty to observe, that to give a better effect to these measures, and to obviate the consequences of a repetition of such practices, a law providing adequate punishment for such offences may be necessary.

The commissioners appointed under the fifth article of the treaty of amity, commerce, and navigation, between the United States and Great Britain, to ascertain the river which was truly intended under the name of the river St. Croix mentioned in the treaty of peace, met at Passamaquoddy bay, in October, one thousand seven hundred and ninety-six, and viewed the mouths of the rivers in question and adjacent shores on the islands; and being of opinion that actual surveys of both rivers to their sources were necessary, gave to the agents of the two nations instructions for that purpose, and adjourned to meet at Boston in August. They met. But the surveys requiring more time than had been supposed, and not being then completed, the commissioners again adjourned to meet at Providence, in the state of Rhode Island, in June next, when we may expect a final examination and decision.

The commissioners appointed in pursuance of the sixth article of the treaty, met at Philadelphia in May last, to examine the claims of British subjects for debts contracted before the peace, and still remaining due to them from citizens or inhabitants of the United States. Various causes have hitherto prevented any determinations, but the business is now resumed and doubtless will be prosecuted without interruption.

Several decisions on the claims of the citizens of the United States for losses and damages sustained by reason of irregular and illegal captures or condemnations of their vessels or other property, have been made by the commissioners in London conformably to the seventh article of the treaty. The sums awarded by the commissioners have been paid by the British government. A considerable number of other claims, where cost and damages, and not captured property, were the only objects in question, have been decided by arbitration, and the sums awarded to the citizens of the United States have also been paid.

The commissioners appointed agreeably to the twenty-first article of our treaty with Spain, met at Philadelphia in the summer past, to examine and decide on the claims of our citizens for losses they have sustained in consequence of their vessels and cargoes having been taken by the subjects of his catholic majesty during the late war between Spain and France. Their sittings have been interrupted, but are now resumed.

The United States being obligated to make compensation for the losses and damages sustained by British subjects, upon the award of the commissioners acting under the sixth article of the treaty with Great Britain,

and for the losses and damages sustained by British subjects by reason of the capture of their vessels and merchandise taken within the limits and jurisdiction of the United States and brought into their ports, or taken by vessels originally armed in ports of the United States, upon the awards of the commissioners acting under the seventh article of the same treaty, it is necessary that provision be made for fulfilling these obligations.

The numerous captures of American vessels by the cruisers of the French republic and by some of those of Spain, have occasioned considerable expenses in making and supporting the claims of our citizens before their tribunals. The sums required for this purpose have in divers instances been disbursed by the consuls of the United States. By means of the same captures, great numbers of our seamen have been thrown ashore in foreign countries, destitute of all means of subsistence, and the sick in particular have been exposed to grievous sufferings. The consuls have in these cases also advanced money for their relief. For these advances they reasonably expect reimbursements from the United States.

The consular act relative to seamen requires revision and amendment. The provisions for their support in foreign countries, and for their return, are found to be inadequate and ineffectual. Another provision seems necessary to be added to the consular act: some foreign vessels have been discovered sailing under the flag of the United States and with forged papers. It seldom happens that the consuls can detect this deception, because they have no authority to demand an inspection of the registers and sea letters.

Gentlemen of the House of Representatives :—

It is my duty to recommend to your serious consideration those objects which by the constitution are placed particularly within your sphere—the national debts and taxes.

Since the decay of the feudal system, by which the public defence was provided for chiefly at the expense of individuals, the system of loans has been introduced; and as no nation can raise within the year by taxes, sufficient sums for defence and for military operations in time of war, the sums loaned and debts contracted have necessarily become the subjects of what have been called funding systems. The consequences arising from the continual accumulation of public debts in other countries, ought to admonish us to be careful to prevent their growth in our own. The national defence must be provided for as well as the support of government, but both should be accomplished as much as possible by immediate taxes, and as little as possible by loans.

The estimates for the service of the ensuing year will by my direction be laid before you.

Gentlemen of the Senate and Gentlemen of the House of Representatives :—

We are met together at a most interesting period. The situations of the principal powers of Europe are singular and portentous. Connected with some by treaties, and with all by commerce, no important event there can be indifferent to us. Such circumstances call with peculiar importunity not less for a disposition to unite in all those measures on which the honor, safety, and prosperity of our country depend, than for all the exertions of wisdom and firmness.

In all such measures you may rely on my zealous and hearty concurrence.

SPECIAL MESSAGE.

FEBRUARY 5, 1798.

Gentlemen of the Senate and House of Representatives:—

I HAVE received a letter from his excellency, Charles Pinckney, Esq., governor of the state of South Carolina, dated the 22d of October, 1797, enclosing a number of depositions and witnesses to several captures and outrages, committed within and near the limits of the United States by a French privateer belonging to Cape François or Monto Christo, called the Veritude, or Fortitude, and commanded by a person of the name of Jordan or Jourdain, and particularly upon an English merchant-ship named the Oracabissa, which he first plundered and then burned, with the rest of her cargo of great value, within the territory of the United States, in the harbor of Charleston, on the 17th of October last; copies of which letter and depositions, and also of several other depositions relative to the same subject, received from the collector of Charleston, are herewith communicated.

Whenever the channel of diplomatic communication between the United States and France shall be opened, I shall demand satisfaction for the insult and reparation for the injury.

I have transmitted those papers to Congress, not so much for the purpose of communicating an account of so daring a violation of the territory of the United States, as to show the propriety and necessity of enabling the executive authority of government to take measures for protecting the citizens of the United States, and such foreigners as may have a right to enjoy their peace and the protection of their laws within their limits, in that as well as some other harbors which are equally exposed.

SPECIAL MESSAGE.

MARCH 19, 1798.

Gentlemen of the Senate and House of Representatives:—

THE despatches from the envoys extraordinary of the United States to the French republic, which were mentioned in my message, to both houses of Congress, of the fifth instant, have been examined and maturely considered.

While I feel a satisfaction in informing you that their exertions for the adjustment of the differences between the two nations have been sincere and unremitted, it is incumbent on me to declare that I perceive no ground of expectation that the objects of their mission can be accomplished on terms compatible with the safety, the honor, or the essential interests of the nation.

This result can not with justice be attributed to any want of moderation on the part of this government, or to any indisposition to forego secondary interests for the preservation of peace. Knowing it to be my duty, and believing it to be your wish, as well as that of the great body of the people, to avoid by all reasonable concessions any participation in the con-

tentions of Europe, the powers vested in our envoys were commensurate with a liberal and pacific policy and that high confidence which might justly be reposed in the abilities, patriotism, and integrity, of the characters to whom the negotiation was committed. After a careful review of the whole subject, with the aid of all the information I have received, I can discern nothing which could have insured or contributed to success that has been omitted on my part, and nothing further which can be attempted consistently with maxims for which our country has contended at every hazard, and which constitute the basis of our national sovereignty.

Under these circumstances, I can not forbear to reiterate the recommendations which have been formerly made, and to exhort you to adopt with promptitude, decision, and unanimity, such measures as the ample resources of the country afford for the protection of our seafaring and commercial citizens; for the defence of any exposed portions of our territory; for replenishing our arsenals and establishing foundries and military manufactories; and to provide such efficient revenue as will be necessary to defray extraordinary expenses, and supply the deficiencies which may be occasioned by depredations on our commerce.

The present state of things is so essentially different from that under which instructions were given to the collectors to restrain vessels of the United States from sailing in an armed condition, that the principle on which those orders were issued has ceased to exist. I therefore deem it proper to inform Congress that I no longer conceive myself justifiable in continuing them, unless in particular cases where there may be reasonable ground of suspicion that such vessels are intended to be employed contrary to law.

In all your proceedings it will be important to manifest a zeal, vigor, and concert, in defence of the national rights, proportioned to the danger with which they are threatened.

SECOND ANNUAL ADDRESS.

DECEMBER 8, 1798.

Gentlemen of the Senate and House of Representatives:—

WHILE with reverence and resignation we contemplate the dispensations of Divine Providence in the alarming and destructive pestilence with which several of our cities and towns have been visited, there is cause for gratitude and mutual congratulations that the malady has disappeared, and that we are again permitted to assemble in safety at the seat of government for the discharge of our important duties. But when we reflect that this fatal disorder has within a few years made repeated ravages in some of our principal seaports, and with increased malignancy—and when we consider the magnitude of the evils arising from the interruption of public and private business, whereby the national interests are deeply affected, I think it my duty to invite the legislature of the Union to examine the expediency of establishing suitable regulations in aid of the health laws of the respective states; for these being formed on the idea that contagious sickness may be communicated through the channels of commerce,

there seems to be a necessity that Congress, who alone can regulate trade, should frame a system which while it may tend to preserve the general health, may be compatible with the interests of commerce and the safety of the revenue.

While we think on this calamity, and sympathize with the immediate sufferers, we have abundant reason to present to the Supreme Being our annual oblations of gratitude for a liberal participation in the ordinary blessings of his providence To the usual subjects of gratitude I can not omit to add one of the first importance to our well-being and safety—I mean that spirit which has arisen in our country against the menaces and aggression of a foreign nation. A manly sense of national honor, dignity, and independence, has appeared, which, if encouraged and invigorated by every branch of the government, will enable us to view undismayed the enterprises of any foreign power, and become the sure foundation of national prosperity and glory.

The course of the transactions in relation to the United States and France which have come to my knowledge during your recess, will be made the subject of a future communication. That communication will confirm the ultimate failure of the measures which have been taken by the government of the United States toward an amicable adjustment of differences with that power. You will at the same time perceive that the French government appears solicitous to impress the opinion that it is averse to a rupture with this country, and that it has in a qualified manner declared itself willing to receive a minister from the United States for the purpose of restoring a good understanding. It is unfortunate for professions of this kind that they should be expressed in terms which may countenance the inadmissible pretension of a right to prescribe the qualifications which a minister from the United States should possess, and that, while France is asserting the existence of a disposition on her part to conciliate with sincerity the differences which have arisen, the sincerity of a like disposition on the part of the United States, of which so many demonstrative proofs have been given, should even be indirectly questioned. It is also worthy of observation, that the decree of the directory alleged to be intended to restrain the depredations of French cruisers on our commerce, has not given, and can not give, any relief. It enjoins them to conform to all the laws of France relative to cruising and prizes, while these laws are themselves the sources of the depredation of which we have so long, so justly, and so fruitlessly complained.

The law of France, enacted in January last, which subjects to capture and condemnation neutral vessels and their cargoes, if any portion of the latter are of British fabric or produce, although the entire property belong to neutrals, instead of being rescinded, has lately received a confirmation by the failure of a proposition for its repeal. While this law, which is an unequivocal act of war on the commerce of the nations it attacks, continues in force, those nations can see in the French government only a power regardless of their essential rights, of their independence and sovereignty; and if they possess the means, they can reconcile nothing with their interest and honor but a firm resistance.

Hitherto, therefore, nothing is discoverable in the conduct of France which ought to change or relax our measures of defence. On the contrary, to extend and invigorate them is our true policy. We have no reason to regret that these measures have been thus far adopted and pursued, and in proportion as we enlarge our view of the portentous and incalcula-

ble situation of Europe, we shall discover new and cogent motives for the full development of our energies and resources.

But in demonstrating by our conduct that we do not fear war in the necessary protection of our rights and honor, we shall give no room to infer that we abandon the desire of peace. An efficient preparation for war can alone ensure peace. It is peace that we have uniformly and perseveringly cultivated, and harmony between us and France may be restored at her option. But to send another minister without more determinate assurances that he would be received, would be an act of humiliation to which the United States ought not to submit. It must therefore be left with France (if she is indeed desirous of accommodation) to take the requisite steps. The United States will steadily observe the maxims by which they have hitherto been governed. They will respect the sacred rights of embassy. And with a sincere disposition on the part of France to desist from hostility, to make reparation for the injuries heretofore inflicted on our commerce, and to do justice in future, there will be no obstacle to the restoration of a friendly intercourse. In making to you this declaration, I give a pledge to France and the world that the executive authority of this country still adheres to the humane and pacific policy which has invariably governed its proceedings, in conformity with the wishes of the other branches of the government and of the people of the United States. But considering the late manifestations of her policy toward foreign nations, I deem it a duty deliberately and solemnly to declare my opinion, that whether we negotiate with her or not, vigorous preparations for war will be alike indispensable. These alone will give to us an equal treaty, and insure its observance.

Among the measures of preparation which appear expedient, I take the liberty to recall your attention to the naval establishment. The beneficial effects of the small naval armament provided under the acts of the last session are known and acknowledged. Perhaps no country ever experienced more sudden and remarkable advantages from any measure of policy than we have derived from the arming for our maritime protection and defence. We ought without loss of time to lay the foundation for an increase of our navy to a size sufficient to guard our coast and protect our trade. Such a naval force as it is doubtless in the power of the United States to create and maintain, would also afford to them the best means of general defence by facilitating the safe transportation of troops and stores to every part of our extensive coast. To accomplish this important object, a prudent foresight requires that systematical measures be adopted for procuring at all times the requisite timber and other supplies. In what manner this shall be done, I leave to your consideration.

I will now advert, gentlemen, to some matters of less moment, but proper to be communicated to the national legislature.

After the Spanish garrisons had evacuated the posts they occupied at the Natchez and Walnut hills, the commissioner of the United States commenced his observations to ascertain the point near the Mississippi which terminated the northernmost part of the thirty-first degree of north latitude. From thence he proceeded to run the boundary line between the United States and Spain. He was afterward joined by the Spanish commissioner, when the work of the former was confirmed, and they proceeded together to the demarcation of the line. Recent information renders it probable that southern Indians, either instigated to oppose the demarcation or jealous of the consequences of suffering white people to run a line over lands to

which the Indian title had not been extinguished, have ere this time stopped the progress of the commissioners. And considering the mischiefs which may result from continuing the demarcation in opposition to the will of the Indian tribes, the great expense attending it, and that the boundaries which the commissioners have actually established probably extend at least as far as the Indian title had been extinguished, it will, perhaps, become expedient and necessary to suspend further proceedings by recalling our commissioner.

The commissioners appointed in pursuance of the fifth article of the treaty of amity, commerce, and navigation, between the United States and his Britannic majesty, to determine what river was truly intended under the name or the river St. Croix mentioned in the treaty of peace, and forming a part of the boundary therein described, have finally decided that question. On the 25th of October, they made their declaration that a river called Scoodiac, which falls into Passamaquoddy bay at its northwestern quarter, was the true St. Croix intended in the treaty of peace, as far as its great fork, where one of its streams comes from the westward and the other from the northward, and that the latter stream is the continuation of the St. Croix to its source. This decision, it is understood, will preclude all contention among individual claimants, as it seems that the Scoodiac and its northern branch bound the grants of lands which have been made by the respective adjoining governments. A subordinate question, however, it has been suggested, still remains to be determined. Between the mouth of the St. Croix as now settled, and what is usually called the bay of Fundy, lie a number of valuable islands. The commissioners have not continued the boundary line through any channel of these islands; and unless the bay of Passamaquoddy be a part of the bay of Fundy, this further adjustment of boundary will be necessary. But it is apprehended that this will not be a matter of any difficulty.

Such progress has been made in the examination and decision of cases of captures and condemnations of American vessels which were the subject of the seventh article of the treaty of amity, commerce, and navigation, between the United States and Great Britain, that it is supposed the commissioners will be able to bring their business to a conclusion in August of the ensuing year.

The commissioners acting under the twenty-fifth article of the treaty between the United States and Spain, have adjusted most of the claims of our citizens for losses sustained in consequence of their vessels and cargoes having been taken by the subjects of his catholic majesty during the late war between France and Spain.

Various circumstances have occurred to delay the execution of the law for augmenting the military establishment; among these, the desire of obtaining the fullest information to direct the best selection of officers. As this object will now be speedily accomplished, it is expected that the raising and organizing of the troops will proceed without obstacle and with effect.

Gentlemen of the House of Representatives:—

I have directed an estimate of the appropriations which will be necessary for the service of the ensuing year to be laid before you, accompanied with a view of the public receipts and expenditures to a recent period. It will afford you satisfaction to infer the great extent and solidity of the public resources from the prosperous state of the finances, notwithstanding the

unexampled embarrassments which have attended commerce. When you reflect on the conspicuous examples of patriotism and liberality which have been exhibited by our mercantile fellow-citizens, and how great a portion of the public resources depends on their enterprise, you will naturally consider whether their convenience can not be promoted and reconciled with the security of the revenue by a revision of the system by which the collection is at present regulated.

During your recess, measures have been steadily pursued for effecting the valuations and returns directed by the act of the last session, preliminary to the assessment and collection of a direct tax. No other delays or obstacles have been experienced, except such as were expected to arise from the great extent of our country and the magnitude and novelty of the operation, and enough has been accomplished to assure a fulfilment of the views of the legislature.

Gentlemen of the Senate and Gentlemen of the House of Representatives:—

I can not close this address without once more adverting to our political situation, and inculcating the essential importance of uniting in the maintenance of our dearest interests; and I trust that by the temper and wisdom of your proceedings, and by a harmony of measures, we shall secure to our country that weight and respect to which it is so justly entitled.

THIRD ANNUAL ADDRESS.

DECEMBER 3, 1799.

Gentlemen of the Senate and Gentlemen of the House of Representatives:—

IT is with peculiar satisfaction that I meet the sixth Congress of the United States of America. Coming from all parts of the Union at this critical and interesting period, the members must be fully possessed of the sentiments and wishes of our constituents.

The flattering prospects of abundance from the labors of the people by land and sea; the prosperity of our extended commerce, notwithstanding interruptions occasioned by the belligerent state of a great part of the world; the return of health, industry, and trade, to those cities which have lately been afflicted with disease; and the various and inestimable advantages, civil and religious, which, secured under our happy frame of government, are continued to us unimpaired, demand of the whole American people sincere thanks to a benevolent Deity for the merciful dispensations of his providence.

But while these numerous blessings are recollected, it is a painful duty to advert to the ungrateful return which has been made for them by some of the people in certain counties of Pennsylvania, where, seduced by the arts and misrepresentations of designing men, they have openly resisted the law directing the valuation of houses and lands. Such defiance was given to the civil authority as rendered hopeless all further attempts by judicial process to enforce the execution of the law, and it became necessary to direct a military force to be employed, consisting of some companies of regular troops, volunteers, and militia, by whose zeal and activity, in co-operation with the judicial power, order and submission were

restored, and many of the offenders arrested. Of these some have been convicted of misdemeanors, and others, charged with various crimes, remain to be tried.

To give due effect to the civil administration of government, and to insure a just execution of the laws, a revision and amendment of the judiciary system is indispensably necessary. In this extensive country, it can not but happen that numerous questions respecting the interpretation of the laws, and the rights and duties of officers and citizens, must arise. On the one hand, the laws should be executed; on the other, individuals should be guarded from oppression. Neither of these objects is sufficiently assured under the present organization of the judicial department. I therefore earnestly recommend the subject to your serious consideration.

Persevering in the pacific and humane policy which has been invariably professed and sincerely pursued by the executive authority of the United States, when indications were made on the part of the French republic of a disposition to accommodate the existing differences between the two countries, I felt it to be my duty to prepare for meeting their advances by a nomination of ministers upon certain conditions which the honor of our country dictated, and which its moderation had given a right to prescribe. The assurances which were required of the French government previous to the departure of our envoys, have been given through their minister of foreign relations, and I have directed them to proceed on their mission to Paris. They have full power to conclude a treaty, subject to the constitutional advice and consent of the senate. The characters of these gentlemen are sure pledges to their country that nothing incompatible with its honor or interest, nothing inconsistent with our obligations of good faith or friendship to any other nation, will be stipulated.

It appearing probable, from the information I received, that our commercial intercourse with some ports in the island of St. Domingo might safely be renewed, I took such steps as seemed to me expedient to ascertain that point. The result being satisfactory, I then, in conformity with the act of Congress on the subject, directed the restraints and prohibitions of that intercourse to be discontinued on terms which were made known by proclamation. Since the renewal of this intercourse, our citizens trading to those ports, with their property, have been duly respected, and privateering from those ports has ceased.

In examining the claims of British subjects by the commissioners at Philadelphia, acting under the sixth article of the treaty of amity, commerce, and navigation, with Great Britain, a difference of opinion, on points deemed essential in the interpretation of that article, has arisen between the commissioners appointed by the United States, and the other members of that board, from which the former have thought it their duty to withdraw. It is sincerely to be regretted that the execution of an article produced by a mutual spirit of amity and justice, should have been thus unavoidably interrupted. It is, however, confidently expected that the same spirit of amity and the same sense of justice in which it originated will lead to satisfactory explanations. In consequence of the obstacles to the progress of the commission in Philadelphia, his Britannic majesty has directed the commissioners appointed by him under the seventh article of the treaty relating to British captures of American vessels, to withdraw from the board sitting in London; but with the express declaration of his determination to fulfil, with punctuality and good faith, the engagements which his majesty has contracted by his treaty with the United

States, and that they will be instructed to resume their functions whenever the obstacles which impede the progress of the commission at Philadelphia shall be removed. It being in like manner my sincere determination, so far as the same depends on me, that with equal punctuality and good faith the engagements contracted by the United States in their treaties with his Britannic majesty shall be fulfilled, I shall immediately instruct our minister at London to endeavor to obtain the explanations necessary to a just performance of those engagements on the part of the United States. With such dispositions on both sides, I can not entertain a doubt that all difficulties will soon be removed, and that the two boards will then proceed and bring the business committed to them respectively, to a satisfactory conclusion.

The act of Congress relative to the seat of government of the United States, requiring that on the first Monday of December next it should be transferred from Philadelphia to the district chosen for its permanent seat, it is proper for me to inform you that the commissioners appointed to provide suitable buildings for the accommodation of Congress and of the president and for the public offices of the government, have made a report of the state of the buildings designed for those purposes in the city of Washington, from which they conclude that the removal of the seat of government to that place at the time required will be practicable and the accommodation satisfactory. Their report will be laid before you.

Gentlemen of the House of Representatives :—

I shall direct the estimates of the appropriations necessary for the service of the ensuing year, together with an account of the revenue and expenditure, to be laid before you. During a period in which a great portion of the civilized world has been involved in a war unusually calamitous and destructive, it was not to be expected that the United States could be exempted from extraordinary burdens. Although the period is not arrived when the measures adopted to secure our country against foreign attacks can be renounced, yet it is alike necessary, for the honor of the government and the satisfaction of the community, that an exact economy should be maintained. I invite you, gentlemen, to investigate the different branches of the public expenditure. The examination will lead to beneficial retrenchments, or produce a conviction of the wisdom of the measures to which the expenditure relates.

Gentlemen of the Senate and House of Representatives :—

At a period like the present, when momentous changes are occurring and every hour is preparing new and great events in the political world—when a spirit of war is prevalent in almost every nation with whose affairs the interest of the United States have any connexion—unsafe and precarious would be our situation were we to neglect the means of maintaining our just rights. The result of the mission to France is uncertain; but however it may terminate, a steady perseverance in a system of national defence commensurate with our resources and the situation of our country is an obvious dictate of wisdom. For remotely as we are placed from the belligerent nations, and desirous as we are, by doing justice to all, to avoid offence to any, nothing short of the power of repelling aggressions will secure to our country a rational prospect of escaping the calamities of war or national degradation. As to myself, it is my anxious desire so to execute the trust reposed in me as to render the people of the United States

prosperous and happy. I rely with entire confidence on your co-operation in objects equally your care, and that our mutual labors will serve to increase and confirm union among our fellow-citizens and an unshaken attachment to our government.

SPECIAL MESSAGE.

DECEMBER 23, 1799.

Gentlemen of the Senate:—

I RECEIVE with the most respectful and affectionate sentiments, in your impressive address, the obliging expressions of your regard for the loss our country has sustained in the death of her most esteemed, beloved, and admired citizen.

In the multitude of my thoughts and recollections on this melancholy event, you will permit me only to say that I have seen him in days of adversity, in some of the scenes of his deepest distress and most trying perplexities; and I have also attended him in his highest elevation and most prosperous felicity, with uniform admiration of his wisdom, moderation, and constancy.

Among all our original associates in that memorable league of the continent in 1774, which first expressed the sovereign will of a free nation in America, he was the only one remaining in the general government. Although with a constitution more enfeebled than his, at an age, when he thought it necessary to prepare for retirement, I feel myself alone, bereaved of my last brother. Yet I derive a strong consolation from the unanimous disposition which appears in all ages and classes to mingle their sorrows with mine on this common calamity to the world.

The life of our Washington can not suffer by a comparison with those of other countries who have been most celebrated and exalted by fame. The attributes and decorations of loyalty could only have served to eclipse the majesty of those virtues which made him, from being a modest citizen, a more resplendent luminary. Misfortune, had he lived, could hereafter have sullied his glory only with those superficial minds who, believing that characters and actions are marked by success alone, rarely deserve to enjoy it. Malice could never blast his honor, and envy made him a singular exception to her universal rule. For himself, he had lived enough to life and to glory. For his fellow-citizens, if their prayers could have been answered he would have been immortal. For me, his departure is at a most unfortunate moment. Trusting, however, in the wise and righteous dominion of Providence over the opinions of men and the results of their councils and actions, as well as over their lives, nothing remains for me but humble resignation.

His example is now complete, and it will teach wisdom and virtue to magistrates, citizens, and men, not only in the present age but in future generations, as long as our history shall be read. If a Trajan found a Pliny, a Marcus Aurelius can never want biographers, eulogists, or historians.

SPECIAL MESSAGE.

JANUARY 8, 1800.

Gentlemen of the Senate and House of Representatives:—

IN compliance with the request in one of the resolutions of Congress of the 21st of December last, I transmitted a copy of these resolutions, by my secretary Mr. Shaw, to Mrs. Washington, assuring her of the profound respect Congress will ever bear to her person and character; of their condolence in the late afflicting dispensation of Providence; and entreating her assent to the interment of the remains of General George Washington in the manner expressed in the first resolution. As the sentiments of that virtuous lady, not less beloved by this nation than she is at present greatly afflicted, can never be so well expressed as in her own words, I transmit to Congress her original letter.

It would be an attempt of too much delicacy to make any comments upon it; but there can be no doubt that the nation at large, as well as all the branches of the government, will be highly gratified by any arrangement which may diminish the sacrifices she makes of her personal feelings.

"MOUNT VERNON, *December* 31, 1799.

"SIR: While I feel with keenest anguish the late dispensation of Divine Providence, I can not be insensible to the mournful tributes of respect and veneration, which are paid to the memory of my dear deceased husband; and as his best services and most anxious wishes were always devoted to the welfare and happiness of his country, to know that they were truly appreciated and gratefully remembered affords no inconsiderable consolation.

"Taught by the great example which I have so long had before me never to oppose my private wishes to the public will, I must consent to the request made by Congress, which you have had the goodness to transmit to me; and in doing this I need not, I can not, say what a sacrifice of individual feeling I make to a sense of public duty.

"With grateful acknowledgments and unfeigned thanks for the personal respect and evidences of condolence expressed by Congress and yourself,

"I remain, very respectfully, sir,

"Your most obedient and humble servant,

"MARTHA WASHINGTON."

FOURTH ANNUAL ADDRESS.

NOVEMBER 22, 1800.

Gentlemen of the Senate and Gentlemen of the House of Representatives:—

IMMEDIATELY after the adjournment of Congress, at their last session in Philadelphia, I gave directions, in compliance with the laws, for the removal of the public offices, records, and property. These directions have been executed, and the public officers have since resided and conducted the ordinary business of the government in this place.

I congratulate the people of the United States on the assembling of Congress at the permanent seat of their government, and I congratulate you, gentlemen, on the prospect of a residence not to be changed. Although there is cause to apprehend that accommodations are not now so complete as might be wished, yet there is great reason to believe that this inconvenience will cease with the present session.

It would be unbecoming the representatives of this nation to assemble for the first time in this solemn temple, without looking up to the Supreme Ruler of the universe and imploring his blessing.

May this territory be the residence of virtue and happiness! In this city may that piety and virtue, that wisdom and magnanimity, that constancy and self-government, which adorned the great character whose name it bears, be for ever held in veneration! Here, and throughout our country, may simple manners, pure morals, and true religion, flourish for ever!

It is with you, gentlemen, to consider whether the local powers over the District of Columbia vested by the constitution in the Congress of the United States shall be immediately exercised. If in your opinion this important trust ought now to be executed, you can not fail, while performing it, to take into view the future probable situation of the territory for the happiness of which you are about to provide. You will consider it as the capital of a great nation advancing with unexampled rapidity in arts, in commerce, in wealth, and in population; and possessing within itself those energies and resources which, if not thrown away or lamentably misdirected, will secure to it a long course of prosperity and self-government.

In compliance with a law of the last session of Congress, the officers and soldiers of the temporary army have been discharged. It affords real pleasure to recollect the honorable testimony they gave to the patriotic motives which brought them into the service of their country, by the readiness and regularity with which they returned to the station of private citizens.

It is in every point of view of such primary importance to carry the laws into prompt and faithful execution, and to render that part of the administration of justice which the constitution and laws devolve on the federal courts as convenient to the people as may consist with their present circumstances, that I can not omit once more to recommend to your serious consideration the judiciary system of the United States. No subject is more interesting than this to the public happiness, and to none can those improvements which may have been suggested by experience be more beneficially applied.

A treaty of amity and commerce with the king of Prussia has been concluded and ratified. The ratifications have been exchanged, and I have directed the treaty to be promulgated by proclamation.

The difficulties which suspend the execution of the sixth article of our treaty of amity, commerce, and navigation, with Great Britain, have not yet been removed. The negotiation on this subject is still depending. As it must be for the interest and honor of both nations to adjust this difference with good faith, I indulge confidently the expectation that the sincere endeavors of the government of the United States to bring it to an amicable termination will not be disappointed.

The envoys extraordinary and ministers plenipotentiary from the United States to France were received by the first consul with the respect due to

their characters, and three persons with equal powers were appointed to treat with them. Although at the date of the last official intelligence the negotiation had not terminated, yet it is to be hoped that our efforts to effect an accommodation will at length meet with a success proportioned to the sincerity with which they have been so often repeated.

While our best endeavors for the preservation of harmony with all nations will continue to be used, the experience of the world, our own experience, admonishes us of the insecurity of trusting too confidently to their success. We can not, without committing a dangerous imprudence, abandon those measures of self-protection which were adapted to our situation, and to which, notwithstanding our pacific policy, the violence and injustice of others may again compel us to resort. While our vast extent of seacoast, the commercial and agricultural habits of our people, the great capital they will continue to trust on the ocean, suggest the system of defence which will be most beneficial to ourselves, our distance from Europe and our resources from maritime strength will enable us to employ it with effect. Seasonable and systematic arrangements, so far as our resources will justify, for a navy adapted for defensive war, and which may in case of necessity be quickly brought into use, seem to be as much recommended by a wise and true economy as by a just regard for our future tranquillity, for the safety of our shores, and for the protection of our property committed to the ocean.

The present navy of the United States, called suddenly into existence by a great national exigency, has raised us in our own esteem, and by the protection afforded to our commerce, has effected to the extent of our expectations, the object for which it was created.

In connexion with a navy ought to be contemplated the fortification of some of our principal seaports and harbors. A variety of considerations, which will readily suggest themselves, urge an attention to this measure of precaution. To give security to our principal ports considerable sums have already been expended, but the works remain incomplete. It is for Congress to determine whether additional appropriations shall be made, in order to render competent to the intended purposes the fortifications which have been commenced.

The manufacture of arms within the United States still invites the attention of the national legislature. At a considerable expense to the public, this manufacture has been brought to such a state of maturity as, with continued encouragement, will supersede the necessity of future importations from foreign countries.

Gentlemen of the House of Representatives:—

I shall direct the estimates of the appropriations necessary for the ensuing year, together with an account of the public revenue and expenditure to a later period, to be laid before you. I observe with much satisfaction, that the product of the revenue during the present year has been more considerable than during any former equal period. This result affords conclusive evidence of the great resources of this country, and of the wisdom and efficiency of the measures which have been adopted by Congress for the protection of commerce and preservation of public credit.

Gentlemen of the Senate and Gentlemen of the House of Representatives:—

As one of the grand community of nations our attention is irresistibly drawn to the important scenes which surround us. If they have exhibited

an uncommon portion of calamity, it is the province of humanity to deplore, and of wisdom to avoid, the causes which may have produced it. If, turning our eyes homeward, we find reason to rejoice at the prospect which presents itself; if we perceive the interior of our country prosperous, free, and happy; if all enjoy safety under the protection of laws emanating only from the general will, the fruits of their own labor; we ought to fortify and cling to those institutions which have been the source of such real felicity, and resist with unabating perseverance the progress of those dangerous innovations which may diminish their influence.

To your patriotism, gentlemen, has been confided the honorable duty of guarding the public interests; and while the past is to your country a sure pledge that it will be faithfully discharged, permit me to assure you that your labors to promote the general happiness will receive from me the most zealous co-operation.

ADMINISTRATION OF JOHN ADAMS.

THE inauguration of John Adams, as the second president of the United States, took place in Congress Hall, at Philadelphia, on the fourth of March, 1797, in the presence of a large concourse of people, among whom were General Washington, the vice-president elect, the heads of departments, many members of Congress, foreign ministers, and other distinguished persons. Mr. Adams, who was then in his 62d year, was dressed in a full suit of pearl-colored broadcloth; with powdered hair. Before the oath of office was administered to the new president, by Chief-Justice Ellsworth, he delivered his inaugural address; the sentiments and style of which produced a favorable impression upon the people.

The retirement of General Washington was a cause of sincere rejoicing among those of his countrymen who had opposed his administration. In France it was an event long desired and cordially welcomed. On the other hand, many of the political friends of Washington, in view of the situation of the country, considered the loss of his personal influence a public calamity. But, as his successor was known to entertain similar views of public policy, great hopes were felt for the success of the new administration.

Mr. Adams continued in office the same cabinet which had been left by President Washington, namely: Timothy Pickering, secretary of state; Oliver Wolcott, secretary of the treasury; James M'Henry, secretary of war; and Charles Lee, attorney-general; these gentlemen being all of the federal party. The navy department was not established until 1798, when Benjamin Stoddert, of Maryland, was appointed secretary of the navy, George Cabot, of Massachusetts, having declined the office.

The affairs of the United States with France, received the early attention of President Adams. The American minister to that republic, Charles C. Pinckney, had been expelled from their territory by the French rulers, who also issued new orders for depredations upon American commerce, more unjust and injurious than their former decrees. The president thought the state of affairs demanded the immediate consideration of Congress, and he therefore called that body together on the fifteenth of May, 1797.

There was a decided federal majority in each branch of the national legislature. Jonathan Dayton, of New Jersey, was again elected speaker of the house of representatives; which body, as well as the senate, responded to the president's speech in terms of approval. Several members, who were generally found in the opposition, voted in favor of resolutions for supporting the honor of the country, in consequence of the insulting conduct of the French government.

The administration and a majority in Congress, were still desirous of maintaining a neutral position, and an act was passed, in June, 1797, to prevent American citizens from fitting out or employing privateers against nations at peace with the United States. The exportation of arms and ammunition was also prohibited, and the importation of the same encouraged by law. The president was authorized to call out the militia to the number of eighty thousand, and to accept of the services of volunteers. At the same time, Congress provided for a small naval force, but not sufficient to meet the views of the president.

To provide means for extra expenses, to be incurred for measures of national defence, duties were imposed on stamped paper, and parchment, used for business purposes; an additional duty was also laid on salt, while a drawback was allowed on salt provisions and pickled fish exported. The stamp act proved an unpopular measure. This special session of the fifth Congress was adjourned on the 10th of July, 1797.

The president having intimated to Congress that he should make a new attempt to conciliate France, appointed, with the advice and consent of the senate, Charles Cotesworth Pinckney, Elbridge Gerry, and John Marshall, special envoys to that republic, with very ample powers. These gentlemen met at Paris, in October, 1797, and promptly attempted to execute their commission. The scenes which followed were well calculated to excite the indignation of the Americans.

The French government employed unofficial individuals to confer with the envoys, those individuals using, instead of their names, which were then unknown, the letters X. Y. Z., and in this way the intercourse with the American ministers was carried on. Attempts were made to detach the envoys from each other, and to learn the separate views of each, by secret interviews. Two of the ministers, Messrs. Pinckney and Marshall, were soon satisfied that no treaty could be made with France which would be honorable to the United States, and they requested of President Adams leave to return. They were soon ordered by the French government to quit France, while Mr. Gerry was invited to remain, and did so; not returning to the United States until October following.

When the despatches from the envoys were made public in the United States, they excited very general indignation, particularly when it was known that the French negotiators had demanded money of the United States,

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as the price of peace. The people responded to the sentiment of Mr. Pinckney on the occasion, "Millions for defence, but not a cent for tribute." Mr. Gerry was severely censured for not having left France with his colleagues. There is no doubt that he meant well, and that he supposed his better standing with the French rulers would enable him to effect the purposes of his mission. After finding his mistake, he was compelled to withdraw, on receiving instructions from the president, without, of course, effecting anything.

The fifth Congress reassembled at Philadelphia, on the 13th of November, 1797, and continued in session until the 16th of July, 1798, a period of 247 days, or over eight months. Many important laws were passed—among which were those for the protection of navigation, for maintaining neutrality, for the defence of the seacoast, by the fortification of Boston, Newport, New York, Baltimore, Norfolk, Charleston, and Savannah; and for an additional land and naval force; also for a loan, which was negotiated at eight per cent. interest, and a direct tax on real estate, to meet the extra expenses of these measures of defence. There was an apprehension on the part of a majority in Congress, that the French government, elated by the success of their arms in Europe, might attempt an invasion of the United States. At this time French ships-of-war were depredating on American commerce, and decrees were issued by the French directory, subjecting to seizure all American vessels having on board British goods or products, or which had sailed from British ports. An act of Congress was passed, in June, 1798, to suspend the commercial intercourse between the United States and France and her possessions. Merchant ships were authorized, under certain restrictions, to be armed in their voyages either to the West Indies or to Europe. A regular and permanent army was ordered to be raised, and the president was authorized to organize twelve additional regiments of infantry, and one regiment each of cavalry, artillery, and engineers, to serve during the difficulties with France. The president was also vested with power to build, purchase, or hire, twelve vessels, of twenty guns each, as an increase of the infant navy of the United States.* Although these measures for defence were generally warmly opposed by the democratic minority in Congress, and some of them adopted by small majorities, they were received with approbation by a great majority of the people. The young men took up the subject of the affairs of the country with great zeal, and in Boston, Robert Treat Paine wrote the celebrated song of "Adams and Liberty." He and others delivered patriotic orations to their young associates. Addresses were sent to the president from all parts of the country, glowing with patriotism, and with defiance of France. Mr. Adams had good reason to think that he stood strong in the respect and affections of the people, and at this period his administration was undoubtedly popular.

* At this session provision was made by law for the establishment of a navy department.

In the arrangement of the intended military force, all eyes were turned to Washington as the chief. Mr. Adams made known his intention to appoint him; and in answer, without intimating a willingness to accept, he expressed his full approbation of the president's measures. He was afterward appointed, with the condition that he might select his officers next in command.*

The crisis did not arrive which rendered it necessary for Washington to take the field, and, in the course of the following year, a treaty was made with France, which put an end to the military operations in the United States. An army, however, was raised, in 1798, as voted by Congress, and General Hamilton, of New York, was the immediate and active commander, being next in rank to Washington, when the officers were appointed, and who was recommended by him for that station.†

Although there was no declaration of war, either on the part of France or the United States, hostilities actually commenced on the ocean between the two nations. The United States frigate Constellation, of 38 guns, Commodore Truxton, on the 9th of February, 1799, fell in with and captured the French frigate l'Insurgent, of 40 guns. This action took place in the West India seas, and lasted about an hour. The Constellation, after refitting in the United States, met at sea, February 1, 1800, the French frigate l'Vengeance, of 54 guns, which latter vessel was silenced after an action of five hours. A squall enabled her to escape, with the loss of 160 men killed and wounded.

The French government and people were surprised by the hostile movements of the United States. They seem to have relied on the opposition party in the United States to prevent war, which was not the object of France, and there soon appeared a disposition on the part of the French rulers to recede, with regard to their course toward the United States.

There were two acts of Congress passed in the summer of 1798, which became extremely unpopular with a large portion of the people. These were the alien and sedition laws. The alien law was objected to as extremely liable to abuse by the president, who was empowered to order aliens who were found or supposed to be conspiring against the peace and authority of the United States, to depart from its territories. One apology for the law was, that there were then computed to be thirty thousand Frenchmen in the United States, all of whom were devoted to their native country, and mostly associated, through clubs or otherwise. Besides these, there were computed to be fifty thousand who had been subjects of Great Britain, some of whom had found it unsafe to remain at home. It was also contended that the persons who, by the law, were liable to be required to leave the country, were not citizens—had no just claims to a continuance here—and that their residence, with the views they had, and

* Sullivan. † Bradford.

the opinions they published, endangered the welfare of the nation, for which it was the imperious duty of Congress to provide. The objection to the sedition law was, that it restricted the liberty of speech and of the press, which was an arbitrary interference with the right of the citizens to express freely their opinions on all public and political measures. Those who justified the law asserted that the grossest falsehoods were uttered and published, tending to deceive the people, and to excite their prejudices unduly, to the danger of the peace of the nation: And the government ought to take measures to protect its rightful authority, and maintain the peace of the republic—that the law expressly provided, in mitigation of the common law on libels, that the truth, if proved, should be a justification.* [There were at this period two hundred newspapers published in the United States; 178 or 180 were in favor of the federal administration, about twenty were opposed to most of the leading measures then adopted, and the greater portion of these were under the control of aliens.]†

The opposition to the alien and sedition laws was very great in some parts of the country. In Virginia and Kentucky the legislatures declared them to be direct and gross infractions of the constitution, and appealed to the other states to join in opposition to them. At the next session of Congress, numerous petitions were presented for a repeal, but without avail at that time.‡

When the president met the fifth Congress at the commencement of their third session, in December, 1798, General Washington was present in the representatives' hall, accompanied by Generals Pinckney and Hamilton. This was Washington's last visit to Philadelphia, previous to his death, which took place a year afterward. He was now at the seat of government for the purpose of consulting with the president in arrangements respecting the organization of a provisional army.

The replies of both branches of Congress to the president's speech were in terms of decided approval of the measures recommended by him, particularly with regard to the course pursued toward France. Acts were passed for completing the organization of the army, and for augmenting the navy. The navy now began to be regarded with favor, and the president was authorized to contract for building six ships-of-war, of seventy-four guns; and six sloops-of-war, of eighteen guns each; for which purpose one million of dollars was appropriated.

Acts were also passed, for the relief and protection of American seamen, and authorizing the president to retaliate on subjects of other nations in cases of impressment; to regulate trade and intercourse with the Indian tribes; and farther to suspend the commercial intercourse between the United States and France. Sundry other measures of importance

* See Bradford's History of the Federal Government, and Sullivan's Letters.
† Bradford. ‡ Ibid.

were adopted to provide for the exigencies of the country. The term of the fifth Congress expired March 3, 1799.

Resistance to the laws for collecting a direct tax being made in the state of Pennsylvania, the governor of that state was called on by the president to order out the militia, which was done, and the insurrection was promptly suppressed.

Before the adjournment of Congress, Mr. Adams had received intimations from the French government, through the American minister in Holland, Mr. William Vans Murray, that one or more envoys would be received for the purpose of holding diplomatic intercourse. The president, therefore, concluded to make a new attempt at negotiation, and on the 26th of February, 1799, he nominated to the senate Mr. Murray, Oliver Ellsworth (then chief justice), and Patrick Henry, as envoys to France, who were confirmed by the senate. Mr. Henry declined, and Governor William R. Davie, of North Carolina, was substituted. In his letter declining the appointment, Patrick Henry said: "I entertain a high sense of the honor done me by the president and the senate. Nothing short of absolute necessity could induce me to withhold my feeble aid from an administration whose *abilities*, *patriotism*, and *virtue*, deserve the gratitude and reverence of all their fellow-citizens."

The president did not consult his cabinet on this occasion. When Mr. Pickering, secretary of state, and Mr. M'Henry, secretary of war, were informed that he intended a new mission, they remonstrated, and this made the breach, which had long been widening, irreparable. All those who had so far supported Mr. Adams's measures, considered it inconsistent with the honor and dignity of the nation to make any such attempt; and that proposals to treat should come directly from France. General Hamilton, Gouverneur Morris, and other prominent supporters of the administration, were much opposed to the course adopted by the president on this occasion.

The envoys to France delayed their departure till November, 1799, direct assurances not having been given to the president until October, that they would be favorably received by the French government. Hostilities between the two nations existed on the ocean, as already stated, without declaration of war, and upward of 300 private American vessels had been armed for self-defence. Depredations on American commerce had been committed for a long time by French cruisers, and an immense amount of property taken and destroyed.

When the American ministers reached Paris, a change in the French government had taken place. Napoleon Bonaparte was then first consul, and immediately appointed three commissioners, of whom his brother Joseph was one, to treat with those from the United States. Articles were ratified by the French government in October, 1800, and afterward conditionally confirmed by the president and senate, before the close of Mr.

Adams's administration. The senate suspended two articles of the treaty, for further negotiation, which were settled after Mr. Jefferson's accession to the presidency. The treaty was objected to in this country, that it did not definitely and expressly stipulate indemnification for recent depredations, by French vessels, on American commerce. The claims of the United States on France were not, indeed, abandoned, and the friends of the administration refrained from all denunciations and clamors against the treaty, from their confidence in the desire of the president and senate to sustain the honor and interest of the United States.

The elections for members of the sixth Congress had terminated favorably for the administration of Mr. Adams; and on the assembling of that body, in December, 1799, Theodore Sedgwick, of Massachusetts, a prominent federalist, was elected speaker. The answers of the two houses to the president's speech, expressed their entire approbation of the course of the president toward France, and their concurrence in his views on other subjects mentioned, particularly in persevering in a system of national defence, however the mission to France might terminate.

On the 18th of December, Congress received the afflicting intelligence of the death of General Washington, which was announced in the house of representatives by Mr. Marshall, of Virginia (afterward chief justice), and both houses immediately adjourned. The senate-chamber, and representatives' hall, were afterward dressed in mourning, and other demonstrations of respect and of the feelings of Congress, were adopted in memory of the father of his country.

At this session of Congress, which continued until the 14th of May, 1800, acts were passed further providing for the defence of the country and for the protection of commerce; for maintaining peace with the Indians; and for the relief of persons imprisoned for debt in cases decided by the courts of the United States. A bankrupt law was also enacted, having been proposed and advocated at several preceding sessions. An additional act was passed prohibiting the slave-trade, more explicit and extensive than the law of 1794. Additional duties were laid on sugar, molasses, and wines; and acts were also passed for taking a census in 1800, for erecting additional forts on the seacoast, for extending the postoffice establishment, and for the organization of Indiana territory. At this session, William H. Harrison appeared as the first delegate to Congress from the Northwest territory (now Ohio and Indiana).

The conciliatory measures of the president toward France did not have the effect of lessening the opposition to his administration; on the contrary, the democratic party continually gained strength and new adherents, and the violence of their censures and attacks upon the prominent measures of the federal government, increased as the dangers of war with France passed away. The public expenditures for the support of the army and navy, the direct taxes, and excise, but above all, the alien and

sedition laws, were the subjects of constant attack, and successful efforts were made to render these measures unpopular with the people.

The two parties in Congress selected, in caucus, their candidates for president and vice-president, for the support of the people; the federalists presented the names of President Adams and General Charles Cotesworth Pinckney, brother to Thomas Pinckney, who was placed on the ticket with Mr. Adams in 1796; the democrats, or republicans, nominated Mr. Jefferson and Colonel Aaron Burr. As most of the presidential electors were to be chosen by the legislatures of the several states, the contest commenced in the election of members of the state legislatures. The most important, as well as one of the earliest of these elections, was that in the state of New York, which took place on the last two days of April and the first of May, 1800. The result of that contest, which was known before Congress adjourned, was favorable to the friends of Jefferson and Burr, thus reversing the vote of New York, which had been given to Adams and Pinckney in 1796. The hopes of the democrats were, of course, raised in a high degree, and that of the federalists proportionably depressed, by the prospects before them which this election presented. The question of the presidency was not, however, by any means, considered as settled, and the public mind was destined to be deeply excited on the subject during the remainder of the year.

Immediately after the New York election, President Adams abruptly dismissed two of his cabinet ministers, viz., Mr. Pickering, secretary of state, and Mr. M'Henry, secretary of war, an event which caused much sensation, and probably had some influence in reducing the federalists to a minority. General Hamilton subsequently came out with a letter censuring the public conduct and character of Mr. Adams; which letter, disclosing a determined aversion to the president by so conspicuous a leader of the administration party, was considered as among the operative causes of Mr. Adams's failure at the ensuing election. Hamilton, it is supposed, intended the pamphlet only for circulation at the south; but, as it got into the hands of his opponents, its publication at New York was deemed indispensable. The object of the author of the letter appears to have been to secure the election of General Pinckney for president, but at the same time, he did not advise the withholding any of the votes of the federal electors from Mr. Adams. It was believed, by some, that the state of South Carolina would vote for Jefferson and Pinckney, as was the case in 1796, but in the month of December, 1800, when it was known that South Carolina had given her electoral votes for Jefferson and Burr, the defeat of the federal candidates was settled. The votes of the electoral colleges were as follows: Jefferson, 73; Burr, 73; Adams, 65; Pinckney, 64; John Jay, 1. The votes for Jefferson and Burr being equal, it remained for the house of representatives to decide, according to the constitution, as it then stood, which should be president, and which vice-pres

dent. Thus a new turn was given to the excitement in the public mind.

During the summer of 1800, the seat of government had been removed from Philadelphia to the new federal city of Washington, and at the lately-erected capitol President Adams met the sixth Congress, on the 22d of November, 1800, when he delivered his last annual speech to the national legislature. He had, in May previous, appointed John Marshall, of Virginia, secretary of state, and Samuel Dexter, of Massachusetts, secretary of war. On the 31st of December following, Oliver Wolcott resigned, as secretary of the treasury, and Mr. Dexter was appointed in his place. Roger Griswold, of Connecticut, was appointed secretary of war on the 3d of February, 1801.

The most important acts of Congress, from November, 1800, to March 3, 1801, were the following: An additional law relating to the federal judiciary, which divided the United States into six circuits, and provided for the appointment of three judges in each, leaving the judges of the supreme court to exercise power as a court of appeals, and for the correction of errors. An act for a naval peace establishment, by which the president was empowered, when he should think it safe and proper, to sell the ships of the United States, except thirteen of the largest frigates; that six of these be hauled up and dismantled, and the others retained in service. An act for continuing the mint at Philadelphia, and for directing the mode of estimating foreign coins; for extending routes for conveying the public mails; and for erecting several new lighthouses on the seacoasts.

The subject of erecting a mausoleum or monument to the memory of Washington, was frequently discussed in Congress during this session. It was voted, by the house of representatives, to erect a mausoleum, and one hundred thousand dollars were appropriated for the purpose; but the senate rejected the plan, and decided in favor of a monument, as it would be less expensive, and voted only fifty thousand dollars to complete it.*

Between the 13th of February and the 4th of March, 1801, President Adams appointed, with the consent of the senate, all the judges for the new courts, and the commissions were issued. The individuals selected for these offices were men of high standing, but the law was condemned by the democratic party, and the judges were called "the midnight judges of John Adams," in allusion to the supposed time of appointment, at the close of his official duties. In consequence of the repeal of the law under which they were appointed, these judges lost their offices, in the early part of Mr. Jefferson's administration.

On the 11th of February, 1801, the votes for president and vice-president were counted, in the senate-chamber, in the presence of both houses of Congress, when, the tellers having announced the result, the vice-president (Mr. Jefferson) declared, that Thomas Jefferson and Aaron Burr

* Bradford.

being equal in the number of votes, it remained for the house of representatives to determine the choice. Thereupon, the members of the house returned to their chamber, when it was ascertained that 104 members were present, one deceased, and one absent, from sickness. The first ballot, (being by states, according to the constitution) was eight states for Mr. Jefferson, six states for Mr. Burr, and two divided, which result continued to be the same after balloting thirty-five times. The number of those who voted for Burr was 53, all federalists, and 51 for Jefferson, all republicans, or democrats, with one or two exceptions. On the 36th ballot, which took place on the 17th of February, several of the members who had voted for Burr, withdrew their opposition to the election of Mr. Jefferson, by putting in blank votes, in consequence of which, there appeared for Jefferson ten states, for Burr four, viz., New Hampshire, Massachusetts, Connecticut, and Rhode Island, and there were two blanks, viz., Delaware and South Carolina. Mr. Jefferson was thereupon elected president, and Colonel Burr vice-president, for four years from the fourth of March, 1801.

The friends of the administration of Mr. Adams generally supported Colonel Burr, without any concert or understanding with him, but believing him to be more in favor of the policy before pursued, than Mr. Jefferson, particularly on the subject of commerce.

Of the character of Mr. Adams's administration, much difference of opinion still prevails; but viewing it in continuation of that of Washington, Mr. Bradford, in his history of the federal government, remarks:—

"By the prudent and pacific, yet firm and decided measures of the federal government, for twelve years, the character of the United States had become highly respectable among the greatest statesmen of Europe. Its policy exhibited a happy union of energy and magnanimity; and it was respected alike for its wisdom and power. The nation was placed in a commanding attitude of defence, while liberty, peace, and improvement, were everywhere witnessed within its jurisdiction. Public credit had been fully established; and able and faithful men had been selected for the public agents; men whose patriotism had been proved by eight years, service devoted to their country's welfare"

BIOGRAPHICAL SKETCH

OF

THOMAS JEFFERSON.

The life of Thomas Jefferson, the third president of the United States, is one of the most interesting and instructive among those of the distinguished persons whose names are identified with American history. In the character of this extraordinary man, as well as in the events of his life, we are presented with a combination of philosophical attainments and political talents, of benevolent feelings, and ambitious aspirations, rarely found united in the same individual, and still more rarely resulting in the popular veneration bestowed upon his name by a large portion of his countrymen; while by others he has been regarded in an unfavorable light as a statesman and a ruler, particularly in the effect of his political principles upon the American people, over whom he acquired such an astonishing ascendency.

The family of Jefferson were among the early emigrants from Great Britain to Virginia. "The tradition in my father's family," the subject of this sketch says, in his own memoirs, "was, that their ancestor came to this country from Wales, and from near the mountain of Snowdon; but the first particular information I have of any ancestor, was of my grandfather, who lived at the place in Chesterfield called Osborne's, and owned the lands, afterward the glebe of the parish. He had three sons: Thomas, who died young; Field, who settled on the waters of the Roanoke, and left numerous descendants; and Peter, my father, who settled on the lands I still own, called Shadwell, adjoining my present residence. He was born February 29, 1707–'8, and intermarried, 1739, with Jane Randolph, of the age of 19, daughter of Isham Randolph, one of the several sons of that name and family settled in Goochland. They traced their pedigree far back in England and Scotland, to which let every one ascribe the faith and merit he chooses."

At the above-named place, Shadwell, in Albemarle county, Virginia, Thomas Jefferson was born, on the 2d of April (old style), 1743. His

father, Peter Jefferson, a man of some distinction in the colony, died in 1757, leaving a widow (who lived until 1776) with two sons and six daughters. These children inherited a handsome estate from their father Thomas, the eldest, received the lands which he called Monticello, on which he resided, when not in public life and when he died.

At the age of five, his father placed him at an English school, and a. nine years of age he commenced the study of Latin and Greek, with Mr. Douglass, a Scotch clergyman, who also instructed him in French. On the death of his father, he was placed under the tuition of another clergyman, Mr. Maury, a classical scholar, with whom he pursued his studies two years. In the spring of 1760, he entered William and Mary College, where he continued two years. Dr. William Small, of Scotland, was then professor of mathematics, and is described by Mr. Jefferson as "a man profound in most of the useful branches of science, with a happy talent of communication, correct and gentlemanly manners, and an enlarged and liberal mind. He, most happily for me," he adds, "became soon attached to me, and made me his daily companion when not engaged in the school; and from his conversation I got my first views of the expansion of science, and of the system of things in which we are placed. He returned to Europe in 1762, having previously filled up the measure of his goodness to me, by procuring for me, from his most intimate friend, George Wythe, a reception as a student at law under his direction, and introducing me to the acquaintance and familiar table of Governor Fauquier, the ablest man who had ever filled that office. Mr. Wythe continued to be my faithful and beloved mentor in youth, and my most affectionate friend through life. In 1767, he led me into the practice of the law, at the bar of the general court, at which I continued until the revolution shut up the courts of justice."

"It has been thought," says Mr. Wirt, "that Mr. Jefferson made no figure at the bar; but the case was far otherwise. There are still extant, in his own fair and neat hand, in the manner of his master, a number of arguments which were delivered by him at the bar, upon some of the most intricate questions of the law; which, if they shall ever see the light, will vindicate his claim to the first honors of his profession. It is true, he was not distinguished in popular debate; why he was not so, has often been matter of surprise to those who have not seen his eloquence on paper, and heard it in conversation. He had all the attributes of the mind, and the heart, and the soul, which are essential to eloquence of the highest order. The only defect was a physical one: he wanted volume and compass of voice for a large, deliberative assembly; and his voice, from the excess of his sensibility, instead of rising with his feelings and conceptions, sank under their pressure, and became guttural and inarticulate. The consciousness of this infirmity repressed any attempt in a large body in which he knew he must fail. But his voice was all-sufficient for the

purposes of judicial debate; and there is no reason to doubt that, if the service of his country had not called him away so soon from his profession, his fame as a lawyer would now have stood upon the same distinguished ground which he confessedly occupies as a statesman, an author and a scholar.

"At the time of Mr. Jefferson's appearance," the same writer remarks "the society of Virginia was much diversified, and reflected pretty distinctly an image of that of England. There was, first, the landed aristocracy, shadowing forth the order of English nobility; then the sturdy yeomanry, common to them both; and last, a *fœculum* of beings, as they were called by Mr. Jefferson, corresponding with the mass of the English plebeians.

"Mr. Jefferson, by birth, belonged to the aristocracy: but the idle and voluptuous life which marked that order had no charms for a mind like his. He relished better the strong, unsophisticated, and racy character of the yeomanry, and attached himself, of choice, to that body. He was a republican and a philanthropist, from the earliest dawn of his character. He read with a sort of poetic illusion, which identified him with every scene that his author spread before him. Enraptured with the brighter ages of republican Greece and Rome, he had followed with an aching heart the march of history which had told him of the desolation of those fairest portions of the earth; and had read, with dismay and indignation, of that swarm of monarchies, the progeny of the Scandinavian hive, under which genius and liberty were now everywhere crushed. He loved his own country with a passion not less intense, deep, and holy, than that of his great compatriot (John Adams): and with this love he combined an expanded philanthropy which encircled the globe. From the working of the strong energies within him, there arose an early vision, too, which cheered his youth and accompanied him through life—the vision of emancipated man throughout the world."*

While he was a student of law at Williamsburg, in 1765, Mr. Jefferson heard the celebrated speech of Patrick Henry, in the Virginia house of delegates, against the stamp-act; animated by the eloquence of Henry, he from that time stood forward as a champion for his country.

In 1769, he was chosen by the people of his county to represent them in the legislature of the colony, a station that he continued to fill up to the period of the revolution. In that capacity he made an effort, which was not successful, for the emancipation of slaves in Virginia.

In January, 1772, Mr. Jefferson married Mrs. Martha Skelton, a widow of twenty-three years of age, daughter of Mr. John Wayles, an eminent lawyer of Virginia, who left her a considerable fortune.

On the 12th of March, 1773, Mr. Jefferson was chosen a member of the first committee of correspondence established by the colonial legisla-

* Wirt's Eulogy on Adams and Jefferson.

tures. In 1774, he published his "Summary View of the Rights of British America," a powerful pamphlet, addressed to the king of Great Britain, in which he set forth the true relations between the mother-country and colonies, as claimed by the people of this country. This pamphlet was republished in England, under the auspices of Edmund Burke.

In 1775, he was elected one of the delegates to represent Virginia in the continental Congress, of which body he was for several years one of the most active members. The Virginia delegates having, in pursuance of instructions from their provincial convention, moved a resolution in favor of the independence of the colonies, that question was taken up in Congress, and, after debate, referred to a committee of five, of whom Mr. Jefferson was chosen chairman. The committee, whose names are given in our biography of Mr. Adams, requested Mr. Jefferson to prepare the *Declaration of Independence*. To this he consented, although then one of the youngest members of Congress, and his draught of that paper which is the principal monument of his fame, was accepted by the committee and by Congress, with few amendments, and finally adopted on the 4th of July, 1776.

The new state government of Virginia having been organized the same year, while Mr. Jefferson was in Congress, and he having been elected a member of the legislature, where he thought he could be useful in framing the laws required under a republican form of government, he resigned his place in Congress, and took his seat in the Virginia legislature, in October. In this station he acted as one of a commission for revising the laws of the commonwealth.

Among the laws proposed by him, and adopted, were those prohibiting the future importation of slaves; for abolishing the law of primogeniture, and providing for the equal partition of inheritances; for establishing religious freedom; and for a system of general education; which last measure was never carried into practice in the state.

The benevolence of Mr. Jefferson's character is shown in a transaction which took place in 1779. Congress had deemed it prudent to retain in this country the British troops who were captured at Saratoga on the surrender of Burgoyne, until the British government ratified the agreement of their commanding officer. These troops were removed into the interior of the county, and Charlottesville, in Virginia, in the immediate vicinity of Mr. Jefferson's residence, was selected for their residence. There they were sent in the early part of 1779, although the barracks were in an unfinished state, the provisions for their sustenance insufficient, and the roads in a bad condition. Mr. Jefferson and some of his neighbors did all in their power to alleviate the distresses of the troops, and the circumstances of their captivity. After arrangements were made for their accommodation, the governor and council, in consequence of the representations of persons who apprehended a scarcity of provisions,

determined, as they were authorized to do by Congress, to remove the prisoners to another state, or to some other part of Virginia. This intention was heard by the officers and men with distress, and with regret by Mr. Jefferson and his neighbors. He therefore addressed a letter to Governor Henry, in which he stated, in earnest and feeling language, the inhumanity and impolicy of the proposed measure. This appeal was successful, and the troops were suffered to remain at Charlottesville. From the British officers Mr. Jefferson received many letters of thanks for his kindness and hospitality, which they did not forget in his subsequent visit to Europe. When the time arrived for their leaving Virginia to return to England, the officers united in a letter of renewed thanks and respectful farewell to him. In his reply Mr. Jefferson said: "The little attentions you are pleased to magnify so much, never deserved a mention or thought. Opposed as we happen to be, in our sentiments of duty and honor, and anxious for contrary events, I shall, nevertheless, sincerely rejoice in every circumstance of happiness and safety which may attend you personally."

On the first of June, 1779, Mr. Jefferson was elected by the legislature to succeed Patrick Henry, the first republican governor of Virginia. After holding the office two years, he retired to private life, and soon afterward he narrowly escaped capture by a company of 250 British cavalry who were sent into the interior for the purpose of surprising and making prisoners the members of assembly at Charlottesville. No one was taken, and Mr. Jefferson, when pursued, escaped on his horse, through the woods at Carter's mountain. He was the same year elected a member of the legislature.

In 1781, Mr. Jefferson wrote his "Notes on Virginia," in reply to certain questions addressed to him by M. de Marbois, the secretary of legation from France in the United States, embracing a general view of its geography, natural productions, statistics, government, history, and laws This little work, which has been very generally admired for its style and variety of information, was soon after published, both in French and English.

He had, in 1776, declined the appointment of commissioner, with Franklin and Deane, to negotiate treaties with France. In 1782, Congress appointed him a minister plenipotentiary, to join those who were in Europe, to negotiate a treaty of peace with Great Britain, but intelligence having been received that preliminaries had been signed, Congress dispensed with his leaving the United States.

Having been again elected a delegate to Congress, in 1783, he was chairman of the committee to whom the treaty of peace with Great Britain was referred; and on the report of this committee the treaty was unanimously ratified. In 1784, he wrote notes on the establishment of a coinage for the United States, and proposed a different money unit from

that suggested by Robert Morris, the continental financier, and of his assistant, Gouverneur Morris. To Mr. Jefferson we are indebted for the dollar as the unit, and our present system of coins and decimals.

As a member of Congress, Mr. Jefferson made but few speeches. He remarks: "I served with General Washington in the legislature of Virginia, before the revolution, and during it, with Dr. Franklin in Congress. I never heard either of them speak ten minutes at a time, nor to any but the main point which was to decide the question."

He was appointed by Congress, in May, 1784, with Adams and Franklin, a minister plenipotentiary to negotiate treaties of commerce with foreign nations. In July he sailed from Boston for Europe, with his eldest daughter, and joined the other commissioners, at Paris, in August. Negotiations were only successful with Prussia and Morocco. In March, 1785, Mr. Jefferson was appointed by Congress to succeed Dr. Franklin as minister at the French court, and remained in France until October, 1789.

During his residence in Paris, his society was courted by Condorcet, D'Alembert, Morrellet, and other distinguished literary and scientific men of France; and in the gayety, learning, taste, elegance, and hospitality of Paris, he found the pleasures most congenial to his disposition. In the month of October, 1789, he obtained leave of absence for a short time, and returned to the United States. He arrived at Norfolk on the 23d of November, and on his way home received from President Washington a letter offering him the appointment of secretary of state, at the organization of the federal government under the constitution, which had then recently been adopted. His inclinations were to return to France, as minister, which was left at his option by the president, but he finally concluded to accede to the wishes of Washington that he should accept the seat in his cabinet offered to him. His reports, while secretary of state, on the currency, on weights and measures, on the fisheries, and on commercial restrictions, as well as his correspondence with foreign ministers, gave ample proofs of his ability as a statesman. In 1790, Mr. Jefferson accompanied President Washington on a visit to Rhode Island, after that state had accepted the federal constitution. In 1791, being called on by the president for his opinion on the act passed by Congress establishing a national bank, he made a written communication, objecting to the institution as unconstitutional. The bill was, however, approved by President Washington. On the 31st of December, 1793, Mr. Jefferson resigned his seat in the cabinet, and retired to private life, at Monticello. While holding office under Washington, he had disapproved of many of the measures of his administration, particularly in those which originated with the secretary of the treasury, Hamilton. Between that gentleman and Mr. Jefferson there were irreconcilable differences of opinion on political matters, which caused constant bickerings in the cabinet first formed by Gen-

eral Washington. The opposition to the federal administration assumed an organized form under the auspices of Mr. Jefferson. By his advice, the opposition party, which had been called *anti-federalists*, claimed the name of *republicans*, while their federal opponents called them *democrats*, after that name was introduced here from France. The term democrat was seldom used or countenanced by Mr. Jefferson.

In 1796, the political friends of Mr. Jefferson brought him forward as a candidate for president, but as Mr. Adams received the highest number of votes, that gentleman was elected president, and Mr. Jefferson vice-president, for four years from March 4, 1797. During that period, when not presiding in the senate, his time was passed in his favorite retreat at Monticello. He wrote a manual for the senate, which has ever since been the standard guide of Congress, as well as other political bodies, in the rules for transacting business.

In 1800, Mr. Jefferson was again nominated by his party, for president, and received a majority of votes over Mr. Adams. The votes for Mr. Jefferson and Colonel Burr, the republican candidates for president and vice-president, being equal, the house of representatives, as then required by the constitution, were called upon to decide which should be president. When the election came on in the house, the political opponents of Mr. Jefferson voted for Burr; but on the 36th ballot, the opposition being partially withdrawn, Mr. Jefferson was elected president, and Colonel Burr became, of course, vice-president.

Of the events of Mr. Jefferson's administration we shall speak in another place. He was re-elected president in 1804, and retired finally from public life March 4, 1809. The remaining seventeen years of his life were passed in the tranquillity of Monticello. "Here," says Mr. Webster, "he lived as became a wise man. Surrounded by affectionate friends, his ardor in the pursuit of knowledge undiminished, with uncommon health, and unbroken spirits, he was able to enjoy largely the rational pleasures of life, and to partake in that public prosperity which he had so much contributed to produce. His kindness and hospitality, the charm of his conversation, the ease of his manners, the extent of his acquirements, and especially the full store of revolutionary incidents which he possessed, and which he knew when and how to dispense, rendered his abode in a high degree attractive to his admiring countrymen, while his public and scientific character drew toward him every intelligent and educated traveller from abroad."

The correspondence of Mr. Jefferson was extensive through life. In his latter years he renewed his intimacy with Mr. Adams, and the letters between the two ex-presidents which were published, are of the most friendly character.

The principal object in which Mr. Jefferson took an interest in his declining years, was that of a system of education in Virginia, especially in

the superintendence of the university of Virginia, which was founded in 1818, through his instrumentality. This institution was located at Charlottesville, at the foot of the mountain on which Monticello is situated, and Mr. Jefferson acted as rector from the time of its foundation until his death.

The pecuniary circumstances of Mr. Jefferson became embarrassed in his old age. He was compelled to dispose of his library, which was purchased by Congress for $23,950, and in 1825 he applied to the legislature of Virginia for leave to dispose of his estate at Monticello by lottery, to prevent its being sacrificed in payment of his debts. His request was granted, but his earthly career was closed before his wishes could be carried into effect. After a short illness, he died the following 4th of July, 1826, the aniversary of that day which fifty years before had been rendered memorable by that declaration of independence which had emanated from his pen. We have mentioned in another place the remarkable coincidence that his compatriot, John Adams, died on the same day.

In a private memorandum left by Mr. Jefferson, he desired that a small granite obelisk might be erected over his remains, with the following inscription:—

Here was buried
THOMAS JEFFERSON,
Author of the Declaration of Independence,
Of the Statute of Virginia for Religious Freedom,
And Father of the University of Virginia.

The age of Mr. Jefferson at the time of his death, was a little over eighty-three years. His wife died in 1782, leaving three daughters, one of whom died young, one married John W. Eppes, and the other Thomas M. Randolph, both of Virginia, the latter afterward governor of the state. Mrs. Eppes died in 1804, while Mr. Jefferson was president; Mrs. Randolph survived him.

In person Mr. Jefferson was beyond the ordinary dimensions, being six feet two inches in height, thin, but well formed, erect in his carriage, and imposing in his appearance. His complexion was fair, his hair, originally red, became white and silvery in old age; his eyes were light blue, sparkling with intelligence, and beaming with philanthropy; his nose was large, his forehead broad, and his whole countenance indicated great sensibility and profound thought. His manners were simple and unpolished, yet dignified, and all who approached him were rendered perfectly at ease, both by his republican habits and his genuine politeness. His disposition being cheerful, his conversation was lively and enthusiastic, remarkable for the chastity of his colloquial diction and the correctness of his phraseology. He disliked form and parade, and his dress was remarkably plain, and often slovenly. Benevolence and liberality were prominent traits of

his disposition. To his slaves he was an indulgent master. As a neighbor, he was much esteemed for his liberality and friendly offices. As a friend, he was ardent and unchangeable; and as a host, the munificence of his hospitality was carried to the excess of self-impoverishment. He possessed great fortitude of mind, and his command of temper was such that he was never seen in a passion.

As a man of letters, and a votary of science, he acquired high distinction. In the classics, and in several European languages, as well as in mathematics, he attained a proficiency not common to American students.

With regard to his political opinions, and his character as a statesman, his countrymen have widely differed in their estimates. By some persons he has been considered as one of the most pure, amiable, dignified, wise, and patriotic of men. By others he has been considered as remarkably defective in the qualities which dignify and adorn human life, and as one of the most wrong-headed statesmen that ever lived. Posterity will judge which of these opinions is right, and which is wrong. His writings which, agreeably to directions left by him, have been published since his death, afford ample materials for judging of his character They consist of four volumes, octavo, of correspondence, *anas*, &c.

The religious opinions of Mr. Jefferson were peculiar and eccentric His writings show that he was a free-thinker, with a preference for some of the doctrines of unitarianism. In a letter to a friend he says: "I have to thank you for your pamphlets on the subjects of unitarianism, and to express my gratification with your efforts for the revival of *primitive Christianity* in your quarter. And a strong proof of the solidity of the primitive faith is its restoration, as soon as a nation arises which vindicates to itself the freedom of religious opinion, and its external divorce from civil authority. I confidently expect that the present generation will see unitarianism become the general religion of the United States."

In a letter to William Short, dated April, 1820, when alluding to the subject of religion, Mr. Jefferson remarks: "But it is not to be understood that I am with him [Jesus] in all his doctrines. I am a materialist; he takes the side of spiritualism; he preaches the efficacy of repentance toward forgiveness of sin; I require a counterpoise of good works to redeem it, &c., &c. It is the innocence of his character, the purity and sublimity of his moral precepts, the eloquence of his inculcations, the beauty of the apologues in which he conveys them, that I so much admire; sometimes, indeed, needing indulgence to eastern hyperbolism. My eulogies, too, may be founded on a postulate which all may not be ready to grant. Among the sayings and discourses imputed to him by his biographers, I find many passages of fine imagination, correct morality, and of the most lovely benevolence; and others, again, of so much ignorance, so much absurdity, so much untruth, charlatanism, and imposture, as to pronounce it impossible that such contradictions should have proceeded from

the same being. I separate, therefore, the gold from the dross; restore to him the former, and leave the latter to the stupidity of some, and roguery of others of his disciples. Of this band of dupes and impostors, Paul was the great Coryphæus, and first corrupter of the doctrines of Jesus. These palpable interpolations and falsification of his doctrines led me to try to sift them apart. I found the work obvious and easy, and that his part composed the most beautiful morsel of morality which has been given to us by man."

The following is an extract from the last letter of Mr. Jefferson, written only ten days previous to his death:—

"MONTICELLO, *June* 24, 1826.

"RESPECTED SIR: The kind invitation I received from you, on the part of the citizens of Washington, to be present with them at their celebration on the fiftieth anniversary of American independence, as one of the surviving signers of an instrument pregnant with our own, and the fate of the world, is most flattering to myself, and heightened by the honorable accompaniment proposed for the comfort of such a journey. It adds sensibly to the sufferings of sickness, to be deprived by it of a personal participation in the rejoicings of that day. But acquiescence is a duty, under circumstances not placed among those we are permitted to control. May that day be to the world, what I believe it will be (to some parts sooner, to others later, but finally to all) the signal of arousing men to burst the chains under which monkish ignorance and superstition had persuaded them to bind themselves, and to assume the blessings and security of self-government. For ourselves, let the annual return of this day for ever refresh our recollections of these rights, and an undiminished devotion to them. "TH. JEFFERSON.

"To Mr. WEIGHTMAN."

JEFFERSON'S

ADDRESSES AND MESSAGES.

INAUGURAL ADDRESS.

MARCH 4, 1801.

Friends and Fellow-Citizens:—

CALLED upon to undertake the duties of the first executive office of our country, I avail myself of the presence of that portion of my fellow-citizens which is here assembled, to express my grateful thanks for the favor with which they have been pleased to look toward me, to declare a sincere consciousness that the task is above my talents, and that I approach it with those anxious and awful presentiments which the greatness of the charge and the weakness of my powers so justly inspire. A rising nation, spread over a wide and fruitful land, traversing all the seas with the rich productions of their industry, engaged in commerce with nations who feel power and forget right, advancing rapidly to destinies beyond the reach of mortal eye—when I contemplate these transcendent objects, and see the honor, the happiness, and the hopes of this beloved country committed to the issue and the auspices of this day, I shrink from the contemplation, and humble myself before the magnitude of the undertaking. Utterly indeed, should I despair, did not the presence of many whom I here see remind me, that in the other high authorities provided by our constitution I shall find resources of wisdom, of virtue, and of zeal, on which to rely under all difficulties. To you, then, gentlemen, who are charged with the sovereign functions of legislation, and to those associated with you, I look with encouragement for that guidance and support which may enable us to steer with safety the vessel in which we are all embarked amid the conflicting elements of a troubled world.

During the contest of opinion through which we have passed, the animation of discussion and of exertions has sometimes worn an aspect which might impose on strangers unused to think freely and to speak and to write what they think; but this being now decided by the voice of the nation, announced according to the rules of the constitution, all will, of course, arrange themselves under the will of the law, and unite in common efforts for the common good. All, too, will bear in mind this sacred principle, that though the will of the majority is in all cases to prevail, that will, to be rightful, must be reasonable; that the minority possess their equal rights, which equal laws must protect, and to violate which would be oppression. Let us, then, fellow-citizens, unite with one heart

and one mind. Let us restore to social intercourse that harmony and affection without which liberty and even life itself are but dreary things And let us reflect that having banished from our land that religious intolerance under which mankind so long bled and suffered, we have yet gained little if we countenance a political intolerance as despotic, as wicked, and capable of as bitter and bloody persecutions. During the throes and convulsions of the ancient world, during the agonizing spasms of infuriated man, seeking through blood and slaughter his long-lost liberty, it was not wonderful that the agitation of the billows should reach even this distant and peaceful shore; that this should be more felt and feared by some and less by others; that this should divide opinions as to measures of safety. But every difference of opinion is not a difference of principle. We have called by different names brethren of the same principle. We are all republicans—we are all federalists. If there be any among us who would wish to dissolve this Union or to change its republican form, let them stand undisturbed as monuments of the safety with which error of opinion may be tolerated where reason is left free to combat it. I know, indeed, that some honest men fear that a republican government can not be strong; that this government is not strong enough. But would the honest patriot, in the full tide of successful experiment, abandon a government which has so far kept us free and firm, on the theoretic and visionary fear that this government, the world's best hope, may by possibility want energy to preserve itself? I trust not. I believe this, on the contrary, the strongest government on earth. I believe it the only one where every man, at the call of the laws, would fly to the standard of the law, and would meet invasions of the public order as his own personal concern. Sometimes it is said that man can not be trusted with the government of himself. Can he, then, be trusted with the government of others? Or have we found angels in the forms of kings to govern him? Let history answer this question.

Let us, then, with courage and confidence pursue our own federal and republican principles, our attachment to our union and representative government. Kindly separated by nature and a wide ocean from the exterminating havoc of one quarter of the globe; too high-minded to endure the degradations of the others; possessing a chosen country, with room enough for our descendants to the hundredth and thousandth generation; entertaining a due sense of our equal right to the use of our own faculties, to the acquisitions of our industry, to honor and confidence from our fellow-citizens, resulting not from birth but from our actions and their sense of them; enlightened by a benign religion, professed, indeed, and practised in various forms, yet all of them including honesty, truth, temperance, gratitude, and the love of man; acknowledging and adoring an overruling Providence, which by all its dispensations proves that it delights in the happiness of man here and his greater happiness hereafter; with all these blessings, what more is necessary to make us a happy and prosperous people? Still one thing more, fellow-citizens—a wise and frugal government, which shall restrain men from injuring one another, which shall leave them otherwise free to regulate their own pursuits of industry and improvement, and shall not take from the mouth of labor the bread it has earned. This is the sum of good government, and this is necessary to close the circle of our felicities.

About to enter, fellow-citizens, on the exercise of duties which comprehend everything dear and valuable to you, it is proper that you should

understand what I deem the essential principles of our government, and consequently those which ought to shape its administration. I will compress them within the narrowest compass they will bear, stating the general principle, but not all its limitations. Equal and exact justice to all men, of whatever state or persuasion, religious or political; peace, commerce, and honest friendship, with all nations—entangling alliances with none; the support of the state governments in all their rights, as the most competent administrations for our domestic concerns and the surest bulwarks against anti-republican tendencies; the preservation of the general government in its whole constitutional vigor, as the sheet anchor of our peace at home and safety abroad; a jealous care of the right of election by the people—a mild and safe corrective of abuses which are lopped by the sword of revolution where peaceable remedies are unprovided; absolute acquiescence in the decisions of the majority—the vital principle of republics, from which there is no appeal but to force, the vital principle and immediate parent of despotism; a well-disciplined militia—our best reliance in peace and for the first moments of war, till regulars may relieve them; the supremacy of the civil over the military authority; economy in the public expense, that labor may be lightly burdened; the honest payment of our debts and sacred preservation of the public faith; encouragement of agriculture, and of commerce as its handmaid; the diffusion of information and the arraignment of all abuses at the bar of public reason; freedom of religion; freedom of the press; freedom of person under the protection of the habeas corpus; and trial by juries impartially selected—these principles form the bright constellation which has gone before us, and guided our steps through an age of revolution and reformation. The wisdom of our sages and the blood of our heroes have been devoted to their attainment. They should be the creed of our political faith—the text of civil instruction—the touchstone by which to try the services of those we trust; and should we wander from them in moments of error or alarm, let us hasten to retrace our steps and to regain the road which alone leads to peace, liberty, and safety.

I repair, then, fellow-citizens, to the post you have assigned me. With experience enough in subordinate offices to have seen the difficulties of this, the greatest of all, I have learned to expect that it will rarely fall to the lot of imperfect man to retire from this station with the reputation and the favor which bring him into it. Without pretensions to that high confidence reposed in our first and great revolutionary character, whose pre-eminent services had entitled him to the first place in his country's love, and destined for him the fairest page in the volume of faithful history, I ask so much confidence only as may give firmness and effect to the legal administration of your affairs. I shall often go wrong through defect of judgment. When right, I shall often be thought wrong by those whose positions will not command a view of the whole ground. I ask your indulgence for my own errors, which will never be intentional; and your support against the errors of others, who may condemn what they would not if seen in all its parts. The approbation implied by your suffrage is a consolation to me for the past; and my future solicitude will be to retain the good opinion of those who have bestowed it in advance, to conciliate that of others by doing them all the good in my power, and to be instrumental to the happiness and freedom of all.

Relying, then, on the patronage of your good will, I advance with obedience to the work, ready to retire from it whenever you become sensible

how much better choice it is in your power to make. And may that Infinite Power which rules the destinies of the universe, lead our councils to what is best, and give them a favorable issue for your peace and prosperity.

[In communicating his first message to Congress, President Jefferson addressed the following letter to the presiding officer of each branch of the national legislature.]

December 8, 1801.

SIR: The circumstances under which we find ourselves placed rendering inconvenient the mode heretofore practised of making by personal address the first communication between the legislative and executive branches, I have adopted that by message, as used on all subsequent occasions through the session. In doing this, I have had principal regard to the convenience of the legislature, to the economy of their time, to their relief from the embarrassment of immediate answers on subjects not yet fully before them, and to the benefits thence resulting to the public affairs. Trusting that a procedure founded in these motives will meet their approbation, I beg leave, through you, sir, to communicate the enclosed message, with the documents accompanying it, to the honorable the senate, and pray you to accept, for yourself and them, the homage of my high respect and consideration.

THOMAS JEFFERSON.

The Hon. the President of the Senate.

FIRST ANNUAL MESSAGE.

DECEMBER 8, 1801.

Fellow-Citizens of the Senate and House of Representatives:—

IT is a circumstance of sincere gratification to me, that on meeting the great council of our nation, I am able to announce to them, on grounds of reasonable certainty, that the wars and troubles which have for so many years afflicted our sister nations have at length come to an end, and that the communications of peace and commerce are once more opening among them. While we devoutly return thanks to the beneficent Being who has been pleased to breathe into them the spirit of conciliation and forgiveness, we are bound with peculiar gratitude to be thankful to him that our own peace has been preserved through so perilous a season, and ourselves permitted quietly to cultivate the earth and to practise and improve those arts which tend to increase our comforts. The assurances, indeed, of friendly disposition, received from all the powers with whom we have principal relations, had inspired a confidence that our peace with them would not have been disturbed. But a cessation of the irregularities which had affected the commerce of neutral nations, and of the irritations and injuries produced by them, can not but add to this confidence; and strengthens, at the same time, the hope, that wrongs committed on unoffending friends, under a pressure of circumstances, will now be reviewed with candor, and will be considered as founding just claims of retribution for the past and new assurance for the future.

Among our Indian neighbors, also, a spirit of peace and friendship generally prevails; and I am happy to inform you that the continued efforts to introduce among them the implements and the practice of husbandry, and of the household arts, have not been without success; that they are becoming more and more sensible of the superiority of this dependence for clothing and subsistence over the precarious resources of hunting and fishing; and already we are able to announce, that instead of that constant diminution of their numbers, produced by their wars and their wants, some of them begin to experience an increase of population.

To this state of general peace with which we have been blessed, one only exception exists. Tripoli, the least considerable of the Barbary states had come forward with demands unfounded either in right or in compact, and had permitted itself to denounce war, on our failure to comply before a given day. The style of the demand admitted but one answer. I sent a small squadron of frigates into the Mediterranean, with assurances to that power of our sincere desire to remain in peace, but with orders to protect our commerce against the threatened attack. The measure was seasonable and salutary. The bey had already declared war in form. His cruisers were out. Two had arrived at Gibraltar. Our commerce in the Mediterranean was blockaded and that of the Atlantic in peril. The arrival of our squadron dispelled the danger. One of the Tripolitan cruisers having fallen in with and engaged the small schooner Enterprise, commanded by Lieutenant Sterret, which had gone as a tender to our larger vessels, was captured, after a heavy slaughter of her men, without the loss of a single one on our part. The bravery exhibited by our citizens on that element, will, I trust, be a testimony to the world that it is not the want of that virtue which makes us seek their peace, but a conscientious desire to direct the energies of our nation to the multiplication of the human race, and not to its destruction. Unauthorized by the constitution, without the sanction of Congress, to go beyond the line of defence, the vessel being disabled from committing further hostilities was liberated with its crew. The legislature will doubtless consider whether, by authorizing measures of offence also, they will place our force on an equal footing with that of its adversaries. I communicate all material information on this subject, that in the exercise of the important function confided by the constitution to the legislature exclusively, their judgment may form itself on a knowledge and consideration of every circumstance of weight.

I wish I could say that our situation with all the other Barbary states was entirely satisfactory. Discovering that some delays had taken place in the performance of certain articles stipulated by us, I thought it my duty, by immediate measures for fulfilling them, to vindicate to ourselves the right of considering the effect of departure from stipulation on their side. From the papers which will be laid before you, you will be enabled to judge whether our treaties are regarded by them as fixing at all the measure of their demands, or as guarding from the exercise of force our vessels within their power; and to consider how far it will be safe and expedient to leave our affairs with them in their present posture.

I lay before you the result of the census lately taken of our inhabitants, to a conformity with which we are to reduce the ensuing rates of representation and taxation. You will perceive that the increase of numbers during the last ten years, proceeding in geometrical ratio, promises a duplication in little more than twenty-two years. We contemplate this rapid

growth and the prospect it holds up to us, not with a view to the injuries it may enable us to do to others in some future day, but to the settlement of the extensive country still remaining vacant within our limits, to the multiplications of men susceptible of happiness, educated in the love of order, habituated to self-government, and valuing its blessings above all price.

Other circumstances, combined with the increase of numbers, have produced an augmentation of revenue arising from consumption, in a ratio far beyond that of population alone, and though the changes of foreign relations now taking place so desirably for the world may for a season affect this branch of revenue, yet weighing all probabilities of expense, as well as of income, there is reasonable ground of confidence that we may now safely dispense with all the internal taxes, comprehending excises, stamps, auctions, licenses, carriages, and refined sugars, to which the postage on newspapers may be added to facilitate the progress of information, and that the remaining sources of revenue will be sufficient to provide for the support of government, to pay the interest of the public debts, and to discharge the principals in shorter periods than the laws or the general expectation had contemplated. War, indeed, and untoward events, may change this prospect of things and call for expenses which the imposts could not meet; but sound principles will not justify our taxing the industry of our fellow-citizens to accumulate treasure for wars to happen we know not when, and which might not perhaps happen but from the temptations offered by that treasure.

These views, however, of reducing our burdens, are formed on the expectation that a sensible, and at the same time a salutary reduction, may take place in our habitual expenditures. For this purpose, those of the civil government, the army, and navy, will need revisal.

When we consider that this government is charged with the external and mutual relations only of these states; that the states themselves have principal care of our persons, our property, and our reputation, constituting the great field of human concerns, we may well doubt whether our organization is not too complicated, too expensive; whether offices and officers have not been multiplied unnecessarily, and sometimes injuriously to the service they were meant to promote. I will cause to be laid before you an essay toward a statement of those who, under public employment of various kinds, draw money from the treasury or from our citizens. Time has not permitted a perfect enumeration, the ramifications of office being too multiplied and remote to be completely traced in a first trial. Among those who are dependent on executive discretion, I have begun the reduction of what was deemed necessary. The expenses of diplomatic agency have been considerably diminished. The inspectors of internal revenue who were found to obstruct the accountability of the institution, have been discontinued. Several agencies created by executive authority, on salaries fixed by that also, have been suppressed, and should suggest the expediency of regulating that power by law, so as to subject its exercises to legislative inspection and sanction. Other reformations of the same kind will be pursued with that caution which is requisite in removing useless things, not to injure what is retained. But the great mass of public offices is established by law, and, therefore, by law alone can be abolished. Should the legislature think it expedient to pass this roll in review, and try all its parts by the test of public utility, they may be assured of every aid and light which executive information can yield.

considering the general tendency to multiply offices and dependencies, and to increase expense to the ultimate term of burden which the citizen can bear, it behooves us to avail ourselves of every occasion which presents itself for taking off the surcharge; that it never may be seen here that, after leaving to labor the smallest portion of its earnings on which it can subsist, government shall itself consume the residue of what it was instituted to guard.

In our care too of the public contributions intrusted to our direction, it would be prudent to multiply barriers against their dissipation, by appropriating specific sums to every specific purpose susceptible of definition; by disallowing all applications of money varying from the appropriation in object or transcending it in amount; by reducing the undefined field of contingencies, and thereby circumscribing discretionary powers over money; and by bringing back to a single department all accountabilities for money where the examination may be prompt, efficacious, and uniform.

An account of the receipts and expenditures of the last year, as prepared by the secretary of the treasury, will as usual be laid before you. The success which has attended the late sales of the public lands shows that with attention they may be made an important source of receipt. Among the payments, those made in discharge of the principal and interest of the national debt will show that the public faith has been exactly maintained. To these will be added an estimate of appropriations necessary for the ensuing year. This last will of course be effected by such modifications of the systems of expense as you shall think proper to adopt.

A statement has been formed by the secretary of war, on mature consideration, of all the posts and stations where garrisons will be expedient, and of the number of men requisite for each garrison. The whole amount is considerably short of the present military establishment. For the surplus no particular use can be pointed out. For defence against invasion their number is as nothing; nor is it conceived needful or safe that a standing army should be kept up in time of peace for that purpose. Uncertain as we must ever be of the particular point in our circumference where an enemy may choose to invade us, the only force which can be ready at every point and competent to oppose them, is the body of neighboring citizens as formed into a militia. On these, collected from the parts most convenient, in numbers proportioned to the invading foe, it is best to rely, not only to meet the first attack, but if it threatens to be permanent, to maintain the defence until regulars may be engaged to relieve them. These considerations render it important that we should at every session continue to amend the defects which from time to time show themselves in the laws for regulating the militia, until they are sufficiently perfect. Nor should we now or at any time separate, until we can say we have done everything for the militia which we could do were an enemy at our door.

The provisions of military stores on hand will be laid before you, that you may judge of the additions still requisite.

With respect to the extent to which our naval preparations should be carried, some difference of opinion may be expected to appear; but just attention to the circumstances of every part of the Union will doubtless reconcile all. A small force will probably continue to be wanted for actual service in the Mediterranean. Whatever annual sum beyond that you may think proper to appropriate to naval preparations, would perhaps be better employed in providing those articles which may be kept without

waste or consumption, and be in readiness when any exigence calls them into use. Progress has been made, as will appear by papers now communicated, in providing materials for seventy-four-gun ships as directed by law.

How far the authority given by the legislature for procuring and establishing sites for naval purposes has been perfectly understood and pursued in the execution, admits of some doubt. A statement of the expenses already incurred on that subject shall be laid before you. I have in certain cases suspended or slackened these expenditures, that the legislature might determine whether so many yards are necessary as have been contemplated. The works at this place are among those permitted to go on; and five of the seven frigates directed to be laid up have been brought and laid up here, where, besides the safety of their position, they are under the eye of the executive administration, as well as of its agents, and where yourselves also will be guided by your own view in the legislative provisions respecting them which may from time to time be necessary. They are preserved in such condition, as well the vessels as whatever belongs to them, as to be at all times ready for sea on a short warning. Two others are yet to be laid up so soon as they shall have received the repairs requisite to put them also into sound condition. As a superintending officer will be necessary at each yard, his duties and emoluments, hitherto fixed by the executive, will be a more proper subject for legislation. A communication will also be made of our progress in the execution of the law respecting the vessels directed to be sold.

The fortifications of our harbors, more or less advanced, present considerations of great difficulty. While some of them are on a scale sufficiently proportioned to the advantages of their position, to the efficacy of their protection, and the importance of the points within it, others are so extensive, will cost so much in their first erection, so much in their maintenance, and require such a force to garrison them, as to make it questionable what is best now to be done. A statement of those commenced or projected, of the expenses already incurred, and estimates of their future cost, so far as can be foreseen, shall be laid before you, that you may be enabled to judge whether any attention is necessary in the laws respecting this subject.

Agriculture, manufactures, commerce, and navigation, the four pillars of our prosperity, are the most thriving when left most free to individual enterprise. Protection from casual embarrassments, however, may sometimes be seasonably interposed. If in the course of your observations or inquiries they should appear to need any aid within the limits of our constitutional powers, your sense of their importance is a sufficient assurance they will occupy your attention. We can not, indeed, but all feel an anxious solicitude for the difficulties under which our carrying trade will soon be placed. How far it can be relieved, otherwise than by time, is a subject of important consideration.

The judiciary system of the United States, and especially that portion of it recently erected, will of course present itself to the contemplation of Congress; and that they may be able to judge of the proportion which the institution bears to the business it has to perform, I have caused to be procured from the several states, and now lay before Congress, an exact statement of all the causes decided since the first establishment of the courts, and of those which were depending when additional courts and judges were brought in to their aid.

And while on the judiciary organization, it will be worthy your consideration, whether the protection of the inestimable institution of juries has been extended to all the cases involving the security of our persons and property. Their impartial selection also being essential to their value, we ought further to consider whether that is sufficiently secured in those states where they are named by a marshal depending on executive will, or designated by the court or by officers dependent on them.

I can not omit recommending a revisal of the laws on the subject of naturalization. Considering the ordinary chances of human life, a denial of citizenship under a residence of fourteen years is a denial to a great proportion of those who ask it, and controls a policy pursued from their first settlement by many of these states, and still believed of consequence to their prosperity. And shall we refuse the unhappy fugitives from distress that hospitality which the savages of the wilderness extended to our fathers arriving in this land? Shall oppressed humanity find no asylum on this globe? The constitution, indeed, has wisely provided that, for admission to certain offices of important trust, a residence shall be required sufficient to develop character and design. But might not the general character and capabilities of a citizen be safely communicated to every one manifesting a bonafide purpose of embarking his life and fortunes permanently with us? with restrictions, perhaps, to guard against the fraudulent usurpation of our flag; an abuse which brings so much embarrassment and loss on the genuine citizen, and so much danger to the nation of being involved in war, that no endeavor should be spared to detect and suppress it.

These, fellow-citizens, are the matters respecting the state of the nation which I have thought of importance to be submitted to your consideration at this time. Some others of less moment, or not yet ready for communication, will be the subject of separate messages. I am happy in this opportunity of committing the arduous affairs of our government to the collected wisdom of the Union. Nothing shall be wanting on my part to inform, as far as in my power, the legislative judgment, nor to carry that judgment into faithful execution. The prudence and temperance of your discussions will promote, within your own walls, that conciliation which so much befriends rational conclusion; and by its example will encourage among our constituents that progress of opinion which is tending to unite them in object and in will. That all should be satisfied with any one order of things is not to be expected, but I indulge the pleasing persuasion that the great body of our citizens will cordially concur in honest and disinterested efforts, which have for their object to preserve the general and state governments in their constitutional form and equilibrium; to maintain peace abroad, and order and obedience to the laws at home; to establish principles and practices of administration favorable to the security of liberty and property, and to reduce expenses to what is necessary for the useful purposes of government.

SECOND ANNUAL MESSAGE.

DECEMBER 15, 1802.

To the Senate and House of Representatives of the United States:—

WHEN we assemble together, fellow-citizens, to consider the state of our beloved country, our just attentions are first drawn to those pleasing circumstances which mark the goodness of that Being from whose favor they flow, and the large measure of thankfulness we owe for his bounty. Another year has come around, and finds us still blessed with peace and friendship abroad; law, order, and religion, at home; good affection and harmony with our Indian neighbors; our burdens lightened, yet our income sufficient for the public wants, and the produce of the year great beyond example. These, fellow-citizens, are the circumstances under which we meet; and we remark with special satisfaction, those which, under the smiles of Providence, result from the skill, industry and order of our citizens, managing their own affairs in their own way and for their own use, unembarrassed by too much regulations, unoppressed by fiscal exactions.

On the restoration of peace in Europe, that portion of the general carrying trade which had fallen to our share during the war was abridged by the returning competition of the belligerent powers. This was to be expected, and was just. But in addition we find in some parts of Europe monopolizing discriminations, which in the form of duties tend effectually to prohibit the carrying thither our own produce in our own vessels. From existing amities, and a spirit of justice, it is hoped that friendly discussion will produce a fair and adequate reciprocity. But should false calculations of interest defeat our hope, it rests with the legislature to decide whether they will meet inequalities abroad with countervailing inequalities at home, or provide for the evil in any other way.

It is with satisfaction I lay before you an act of the British parliament anticipating this subject so far as to authorize a mutual abolition of the duties and countervailing duties permitted under the treaty of 1794. It shows on their part a spirit of justice and friendly accommodation which it is our duty and our interest to cultivate with all nations. Whether this would produce a due equality in the navigation between the two countries, is a subject for your consideration.

Another circumstance which claims attention, as directly affecting the very source of our navigation, is the defect or the evasion of the law providing for the return of seamen, and particularly of those belonging to vessels sold abroad. Numbers of them, discharged in foreign ports, have been thrown on the hands of our consuls, who, to rescue them from the dangers into which their distresses might plunge them, and save them to their country, have found it necessary in some cases to return them at the public charge.

The cession of the Spanish province of Louisiana to France, which took place in the course of the late war, will, if carried into effect, make a change in the aspect of our foreign relations which will doubtless have a just weight in any deliberations of the legislature connected with that subject.

There was reason, not long since, to apprehend that the warfare in which we were engaged with Tripoli might be taken up by some others of the Barbary powers. A reinforcement, therefore, was immediately ordered to

the vessels already there. Subsequent information, however, has removed these apprehensions for the present. To secure our commerce in that sea with the smallest force competent, we have supposed it best to watch strictly the harbor of Tripoli. Still, however, the shallowness of their coast, and the want of smaller vessels on our part, has permitted some cruisers to escape unobserved; and to one of these an American vessel unfortunately fell a prey. The captain, one American seamen, and two others of color, remain prisoners with them unless exchanged under an agreement formerly made with the bashaw, to whom, on the faith of that, some of his captive subjects had been restored.

The convention with the state of Georgia has been ratified by their legislature, and a repurchase from the Creeks has been consequently made of a part of the Tallahassee county. In this purchase has been also comprehended part of the lands within the fork of Oconee and Oakmulgee rivers. The particulars of the contract will be laid before Congress so soon as they shall be in a state for communication.

In order to remove every ground of difference possible with our Indian neighbors, I have proceeded in the work of settling with them and marking the boundaries between us. That with the Choctaw nation is fixed in one part, and will be through the whole in a short time. The country to which their title had been extinguished before the revolution is sufficient to receive a very respectable population, which Congress will probably see the expediency of encouraging so soon as the limits shall be declared. We are to view this position as an outpost of the United States, surrounded by strong neighbors and distant from its support. And how far that monopoly which prevents population should here be guarded against, and actual habitation made a condition of the continuance of title, will be for your consideration. A prompt settlement, too, of all existing rights and claims within this territory presents itself as a preliminary operation.

In that part of the Indian territory which includes Vincennes, the lines settled with the neighboring tribes fix the extinction of their title at a breadth of twenty-four leagues from east to west, and about the same length, parallel with and including the Wabash. They have also ceded a tract of four miles square, including the salt springs near the mouth of the river.

In the department of finance it is with pleasure I inform you that the receipts of external duties for the last twelve months have exceeded those of any former year, and that the ratio of increase has been also greater than usual. This has enabled us to answer all the regular exigiencies of government, to pay from the treasury in one year upward of eight millions of dollars, principal and interest, of the public debt, exclusive of upward of one million paid by the sale of bank stock, and making in the whole a reduction of nearly five millions and a half of principal; and to have now in the treasury four millions and a half of dollars, which are in a course of application to a further discharge of debt and current demands. Experience, too, so far, authorizes us to believe, if no extraordinary event supervenes, and the expenses which will be actually incurred shall not be greater than were contemplated by Congress at their last session, that we shall not be disappointed in the expectations then formed. But nevertheless, as the effect of peace on the amount of duties is not yet fully ascertained, it is the more necessary to practise every useful economy, and to incur no expense which may be avoided without prejudice.

The collection of the internal taxes having been completed in some of

the states, the officers employed in it are of course out of commission. In others, they will be so shortly. But in a few, where the arrangement for the direct tax had been retarded, it will still be some time before the system is closed. It has not yet been thought necessary to employ the agent authorized by an act of the last session for transacting business in Europe relative to debts and loans. Nor have we used the power confided by the same act, of prolonging the foreign debts by reloans, and of redeeming, instead thereof, an equal sum of the domestic debt. Should, however, the difficulties of remittance on so large a scale render it necessary at any time, the power shall be executed, and the money thus unemployed abroad shall, in conformity with that law, be faithfully applied here in an equivalent extinction of domestic debt. When effects so salutary result from the plans you have already sanctioned, when merely by avoiding false objects of expense we are able, without a direct tax, without internal taxes, and without borrowing, to make large and effectual payments toward the discharge of our public debt and the emancipation of our posterity from that moral canker, it is an encouragement, fellow-citizens, of the highest order, to proceed as we have begun, in substituting economy for taxation, and in pursuing what is useful for a nation placed as we are, rather than what is practised by others under different circumstances. And whensoever we are destined to meet events which shall call forth all the energies of our countrymen, we have the firmest reliance on those energies, and the comfort of leaving for calls like these the extraordinary resources of loans and internal taxes. In the meantime, by payments of the principal of our debt, we are liberating, annually, portions of the external taxes, and forming from them a growing fund still further to lessen the necessity of recurring to extraordinary resources.

The usual accounts of receipts and expenditures for the last year, with an estimate of the expenses of the ensuing one, will be laid before you by the secretary of the treasury.

No change being deemed necessary in our military establishment, an estimate of its expenses for the ensuing year on its present footing, as also of the sums to be employed in fortifications and other objects within that department, has been prepared by the secretary of war, and will make a part of the general estimates which will be presented to you.

Considering that our regular troops are employed for local purposes, and that the militia is our general reliance for great and sudden emergencies, you will doubtless think this institution worthy of a review, and give it those improvements of which you find it susceptible.

Estimates for the naval department, prepared by the secretary of the navy for another year, will in like manner be communicated with the general estimates. A small force in the Mediterranean will still be necessary to restrain the Tripoline cruisers, and the uncertain tenure of peace, with some other of the Barbary powers, may eventually require that force to be augmented. The necessity of procuring some smaller vessels for that service will raise the estimate, but the difference in their maintenance will soon make it a measure of economy.

Presuming it will be deemed expedient to expend annually a convenient sum toward providing the naval defence which our situation may require. I can not but recommend that the first appropriations for that purpose may go to the saving what we already possess. No cares, no attentions, can preserve vessels from rapid decay which lie in water and exposed to the sun. These decays require great and constant repairs, and will con-

sume, if continued, a great portion of the money destined to naval purposes. To avoid this waste of our resources, it is proposed to add to our navy-yard here a dock, within which our vessels may be laid up dry and under cover from the sun. Under these circumstances experience proves that works of wood will remain scarcely at all affected by time. The great abundance of running water which this situation possesses, at heights far above the level of the tide, if employed as is practised for lock navigation, furnishes the means for raising and laying up our vessels on a dry and sheltered bed. And should the measure be found useful here, similar depositories for laying up as well as for building and repairing vessels may hereafter be undertaken at other navy-yards offering the same means. The plans and estimates of the work, prepared by a person of skill and experience, will be presented to you without delay; and from this it will be seen that scarcely more than has been the cost of one vessel is necessary to save the whole, and that the annual sum to be employed toward its completion may be adapted to the views of the legislature as to naval expenditure

To cultivate peace and maintain commerce and navigation in all their lawful enterprises; to foster our fisheries and nurseries of navigation and for the nurture of man, and protect the manufactures adapted to our circumstances; to preserve the faith of the nation by an exact discharge of its debts and contracts, expend the public money with the same care and economy we would practise with our own, and impose on our citizens no unnecessary burden; to keep in all things within the pale of our constitutional powers, and cherish the federal union as the only rock of safety—these, fellow-citizens, are the landmarks by which we are to guide ourselves in all our proceedings. By continuing to make these our rule of action, we shall endear to our countrymen the true principles of their constitution, and promote a union of sentiment and of action equally auspicious to their happiness and safety. On my part, you may count on a cordial concurrence in every measure for the public good, and on all the information I possess which may enable you to discharge to advantage the high functions with which you are invested by your country.

SPECIAL MESSAGE.

JANUARY 28, 1802.

Gentlemen of the Senate and House of Representatives:—

I LAY before you the accounts of our Indian trading houses, as rendered up to the first day of January, 1801, with a report of the secretary of war thereon, explaining the effects and the situation of that commerce, and the reasons in favor of its farther extension. But it is believed that the act authorizing this trade expired so long ago as the 3d of March, 1799. Its revival, therefore, as well as its extension, is submitted to the consideration of the legislature.

The act regulating trade and intercourse with the Indian tribes will also expire on the 3d day of March next. While on the subject of its continuance, it will be worthy the consideration of the legislature, whether the provisions of the law inflicting on Indians, in certain cases, the punish-

ment of death by hanging, might not permit its commutation into death by military execution, the form of the punishment in the former way being peculiarly repugnant to their ideas, and increasing the obstacles to the surrender of the criminal.

These people are becoming very sensible of the baneful effects produced on their morals, their health and existence, by the abuse of ardent spirits, and some of them earnestly desire a prohibition of that article from being carried among them. The legislature will consider whether the effectuating that desire would not be in the spirit of benevolence and liberality which they have hitherto practised toward these our neighbors, and which has had so happy an effect toward conciliating their friendship. It has been found too, in experience, that the same abuse gives frequent rise to incidents tending much to commit our peace with the Indians.

It is now become necessary to run and mark the boundaries between them and us in various parts. The law last mentioned has authorized this to be done, but no existing appropriation meets the expense.

Certain papers, explanatory of the grounds of this communication, are herewith enclosed.

SPECIAL MESSAGE.

FEBRUARY 24, 1803.

Gentlemen of the Senate and House of Representatives:—

I LAY before you a report of the secretary of state on the case of the Danish brigantine Henrick, taken by a French privateer in 1799, retaken by an armed vessel of the United States, carried into a British island and there adjudged to be neutral, but under an allowance of such salvage and costs as absorbed nearly the whole amount of sales of the vessel and cargo. Indemnification for these losses, occasioned by our officers, is now claimed by the sufferers, supported by the representation of their government. I have no doubt the legislature will give to the subject that just attention and consideration which it is useful as well as honorable to practise in our transactions with other nations, and particularly with one which has observed toward us the most friendly treatment and regard.

THIRD ANNUAL MESSAGE.

OCTOBER 17, 1803.

To the Senate and House of Representatives of the United States:—

IN calling you together, fellow-citizens, at an earlier day than was contemplated by the act of the last session of Congress, I have not been insensible to the personal inconveniences necessarily resulting from an unexpected change in your arrangements. But matters of great public concernment have rendered this call necessary, and the interest you feel in these will supersede in your minds all private considerations.

Congress witnessed, at their last session, the extraordinary agitation produced in the public mind by the suspension of our right of deposite at the port of New Orleans, no assignment of another place having been made according to treaty. They were sensible that the continuance of that privation would be more injurious to our nation than any consequences which could flow from any mode of redress, but reposing just confidence in the good faith of the government whose officer had committed the wrong, friendly and reasonable representations were resorted to, and the right of deposite was restored.

Previous, however, to this period, we had not been unaware of the danger to which our peace would be perpetually exposed while so important a key to the commerce of the western country remained under foreign power. Difficulties, too, were presenting themselves as to the navigation of other streams, which, arising within our territories, pass through those adjacent. Propositions had, therefore, been authorized for obtaining, on fair conditions, the sovereignty of New Orleans, and of other possessions in that quarter interesting to our quiet, to such extent as was deemed practicable; and the provisional appropriation of two millions of dollars, to be applied and accounted for by the president of the United States, intended as part of the price, was considered as conveying the sanction of Congress to the acquisition proposed. The enlightened government of France saw, with just discernment, the importance to both nations of such liberal arrangements as might best and permanently promote the peace, friendship, and interests of both; and the property and sovereignty of all Louisiana, which had been restored to them, have on certain conditions been transferred to the United States by instruments bearing date the 30th of April last. When these shall have received the constitutional sanction of the senate, they will without delay be communicated to the representatives also, for the exercise of their functions, as to those conditions which are within the powers vested by the constitution in Congress. While the property and sovereignty of the Mississippi and its waters secure an independent outlet for the produce of the western states and an uncontrolled navigation through their whole course, free from collision with other powers and the dangers to our peace from that source, the fertility of the country, its climate and extent, promise in due season important aids to our treasury, an ample provision for our posterity, and a wide-spread field for the blessings of freedom and equal laws.

With the wisdom of Congress it will rest to take those ulterior measures which may be necessary for the immediate occupation and temporary government of the country; for its incorporation into our Union; for rendering the change of government a blessing to our newly-adopted brethren; for securing to them the rights of conscience and of property; for confirming to the Indian inhabitants their occupancy and self-government, establishing friendly and commercial relations with them and for ascertaining the geography of the country acquired. Such materials for your information, relative to its affairs in general, as the short space of time has permitted me to collect, will be laid before you when the subject shall be in a state for your consideration.

Another important acquisition of territory has also been made since the last session of Congress. The friendly tribe of Kaskaskia Indians with which we have never had a difference, reduced by the wars and wants of savage life to a few individuals unable to defend themselves against the neighboring tribes, has transferred its country to the United States, re-

serving only for its members what is sufficient to maintain them in an agricultural way. The considerations stipulated are, that we shall extend to them our patronage and protection, and give them certain annual aids in money, in implements of agriculture, and other articles of their choice. This country, among the most fertile within our limits, extending along the Mississippi from the mouth of the Illinois to and up the Ohio, though not so necessary as a barrier since the acquisition of the other bank, may yet be well worthy of being laid open to immediate settlement, as its inhabitants may descend with rapidity in support of the lower country should future circumstances expose that to foreign enterprise. As the stipulations in this treaty also involve matters within the competence of both houses only, it will be laid before Congress as soon as the senate shall have advised its ratification.

With many of the other Indian tribes, improvements in agriculture and household manufacture are advancing, and with all our peace and friendship are established on grounds much firmer than heretofore. The measure adopted of establishing trading houses among them, and of furnishing them necessaries in exchange for their commodities at such moderated prices as leave no gain, but cover us from loss, has the most conciliatory and useful effect upon them, and is that which will best secure their peace and good will.

The small vessels authorized by Congress with a view to the Mediterranean service have been sent into that sea, and will be able more effectually to confine the Tripoline cruisers within their harbors and supersede the necessity of convoy to our commerce in that quarter. They will sensibly lessen the expenses of that service the ensuing year.

A further knowledge of the ground in the northeastern and northwestern angles of the United States has evinced that the boundaries established by the treaty of Paris, between the British territories and ours in those parts, were too imperfectly described to be susceptible of execution. It has therefore been thought worthy of attention, for preserving and cherishing the harmony and useful intercourse subsisting between the two nations, to remove by timely arrangements what unfavorable incidents might otherwise render a ground of future misunderstanding. A convention has therefore been entered into, which provides for a practicable demarcation of those limits to the satisfaction of both parties.

An account of the receipts and expenditures of the year ending 30th September last, with the estimates for the service of the ensuing year, will be laid before you by the secretary of the treasury so soon as the receipts of the last quarter shall be returned from the more distant states. It is already ascertained that the amount paid into the treasury for that year has been between eleven and twelve millions of dollars, and that the revenue accrued during the same term exceeds the sum counted on as sufficient for our current expenses, and to extinguish the public debt within the period heretofore proposed.

The amount of debt paid for the same year is about three millions one hundred thousand dollars, exclusive of interest, and making, with the payment of the preceding year, a discharge of more than eight millions and a half of dollars of the principal of that debt, besides the accruing interest; and there remain in the treasury nearly six millions of dollars. Of these, eight hundred and eighty thousand have been reserved for payment of the first instalment due under the British convention of January 8th, 1802, and two millions are what have been before mentioned as placed by Congress

under the power and accountability of the president, toward the price of New Orleans and other territories acquired, which remaining untouched, are still applicable to that object and go in diminution of the sum to be funded for it.

Should the acquisition of Louisiana be constitutionally confirmed and carried into effect, a sum of nearly thirteen millions of dollars will then be added to our public debt, most of which is payable after fifteen years; before which term the present existing debts will all be discharged by the established operation of the sinking fund. When we contemplate the ordinary annual augmentation of imposts from increasing population and wealth, the augmentation of the same revenue by its extension to the new acquisition, and the economies which may still be introduced into our public expenditures, I can not but hope that Congress in reviewing their resources will find means to meet the intermediate interest of this additional debt without recurring to new taxes, and applying to this object only the ordinary progression of our revenue. Its extraordinary increase in times of foreign war will be the proper and sufficient fund for any measures of safety or precaution which that state of things may render necessary in our neutral position.

Remittances for the instalments of our foreign debt having been found practicable without loss, it has not been thought expedient to use the power given by a former act of Congress of continuing them by reloans, and of redeeming instead thereof equal sums of domestic debt, although no difficulty was found in obtaining that accommodation.

The sum of fifty thousand dollars appropriated by Congress for providing gun-boats remains unexpended. The favorable and peaceful turn of affairs on the Mississippi rendered an immediate execution of that law unnecessary, and time was desirable in order that the institution of that branch of our force might begin on models the most approved by experience. The same issue of events dispensed with a resort to the appropriation of a million and a half of dollars contemplated for purposes which were effected by happier means.

We have seen with sincere concern the flames of war lighted up again in Europe, and nations with which we have the most friendly and useful relations engaged in mutual destruction. While we regret the miseries in which we see others involved, let us bow with gratitude to that kind Providence which, inspiring with wisdom and moderation our late legislative councils while placed under the urgency of the greatest wrongs, guarded us from hastily entering into the sanguinary contest, and left us only to look on and to pity its ravages. These will be heaviest on those immediately engaged. Yet the nations pursuing peace will not be exempt from all evil. In the course of this conflict, let it be our endeavor, as it is our interest and desire, to cultivate the friendship of the belligerent nations by every act of justice and of innocent kindness; to receive their armed vessels with hospitality from the distresses of the sea, but to administer the means of annoyance to none; to establish in our harbors such a police as may maintain law and order; to restrain our citizens from embarking individually in a war in which their country takes no part; to punish severely those persons, citizen or alien, who shall usurp the cover of our flag for vessels not entitled to it, infecting thereby with suspicion those of real Americans, and committing us into controversies for the redress of wrongs not our own; to exact from every nation the observance, toward our vessels and citizens, of those principles and practices which all civil-

ized people acknowledge; to merit the character of a just nation, and maintain that of an independent one, preferring every consequence to insult and habitual wrong. Congress will consider whether the existing laws enable us efficaciously to maintain this course with our citizens in all places, and with others while within the limits of our jurisdiction, and will give them the new modifications necessary for these objects. Some contraventions of right have already taken place, both within our jurisdictional limits and on the high seas. The friendly disposition of the governments from whose agents they have proceeded, as well as their wisdom and regard for justice, leave us in reasonable expectation that they will be rectified and prevented in future; and that no act will be countenanced by them which threatens to disturb our friendly intercourse. Separated by a wide ocean from the nations of Europe, and from the political interests which entangle them together, with productions and wants which render our commerce and friendship useful to them and theirs to us, it can not be the interest of any to assail us, nor ours to disturb them. We should be most unwise, indeed, were we to cast away the singular blessings of the position in which nature has placed us, the opportunity she has endowed us with of pursuing, at a distance from foreign contentions, the paths of industry, peace, and happiness; of cultivating general friendship, and of bringing collisions of interest to the umpirage of reason rather than of force. How desirable then must it be, in a government like ours, to see its citizens adopt individually the views, the interests, and the conduct which their country should pursue, divesting themselves of those passions and partialities which tend to lessen useful friendships, and to embarrass and embroil us in the calamitous scenes of Europe. Confident, fellow-citizens, that you will duly estimate the importance of neutral dispositions toward the observance of neutral conduct, that you will be sensible how much it is our duty to look on the bloody arena spread before us with commiseration indeed, but with no other wish than to see it closed, I am persuaded you will cordially cherish these dispositions in all discussions among yourselves, and in all communications with your constituents; and I anticipate with satisfaction the measures of wisdom which the great interests now committed to *you* will give you an opportunity of providing, and *myself* that of approving and carrying into execution with the fidelity I owe to my country.

SPECIAL MESSAGE

OCTOBER 21, 1803.

To the Senate and House of Representatives of the United States:—

IN my communication to you of the 17th instant, I informed you that conventions had been entered into with the government of France for the cession of Louisiana to the United States. These, with the advice and consent of the senate, having now been ratified, and my ratification exchanged for that of the first consul of France in due form, they are communicated to you for consideration in your legislative capacity. You will observe that some important conditions can not be carried into execution

but with the aid of the legislature; and that time presses a decision on them without delay.

The ulterior provisions, also suggested in the same communication, for the occupation and government of the country, will call for early attention. Such information relative to its government, as time and distance have enabled me to obtain, will be ready to be laid before you within a few days. But, as permanent arrangements for this object may require time and deliberation, it is for your consideration whether you will not, forthwith, make such temporary provisions for the preservation, in the meanwhile, of order and tranquillity in the country, as the case may require.

SPECIAL MESSAGE.

NOVEMBER 4, 1803.

To the Senate and House of Representatives of the United States:—

BY the copy now communicated of a letter from Captain Bainbridge of the Philadelphia frigate, to our consul at Gibraltar, you will learn that an act of hostility has been committed on a merchant-vessel of the United States by an armed ship of the emperor of Morocco. This conduct on the part of that power is without cause and without explanation. It is fortunate that Captain Bainbridge fell in with and took the capturing vessel and her prize; and I have the satisfaction to inform you, that about the date of this transaction such a force would be arriving in the neighborhood of Gibraltar, both from the east and the west, as leaves less to be feared for our commerce from the suddenness of the aggression.

On the 4th of September, the Constitution frigate, Captain Preble, with Mr. Lear on board, was within two days' sail of Gibraltar, where the Philadelphia would then be arrived with her prize, and such explanations would probably be instituted as the state of things required, and as might perhaps arrest the progress of hostilities.

In the meanwhile it is for Congress to consider the provisional authorities which may be necessary to restrain the depredations of this power, should they be continued.

SPECIAL MESSAGE.

NOVEMBER 25, 1803.

To the Senate and House of Representatives of the United States:—

THE treaty with the Kaskaskia Indians being ratified with the advice and consent of the senate, it is now laid before both houses, in their legislative capacity. It will inform them of the obligations which the United States thereby contract, and particularly that of taking the tribe into their future protection; and that the ceded country is submitted to [illegible] immediate possession and disposal.

SPECIAL MESSAGE.

DECEMBER 5, 1803.

To the Senate and House of Representatives of the United States:—

I HAVE the satisfaction to inform you that the act of hostility mentioned in my message of the 4th of November to have been committed by a cruiser of the emperor of Morocco on a vessel of the United States, has been disavowed by the emperor. All differences in consequence thereof have been amicably adjusted, and the treaty of 1786, between this country and that, has been recognised and confirmed by the emperor, each party restoring to the other what had been detained or taken. I enclose the emperor's orders given on this occasion.

The conduct of our officers generally, who have had a part in these transactions, has merited entire approbation.

The temperate and correct course pursued by our consul, Mr. Simpson, the promptitude and energy of Commodore Preble, the efficacious cooperation of Captains Rodgers and Campbell of the returning squadron, the proper decision of Captain Bainbridge that a vessel which had committed an open hostility was of right to be detained for inquiry and consideration, and the general zeal of the other officers and men, are honorable facts which I make known with pleasure. And to these I add what was indeed transacted in another quarter—the gallant enterprise of Captain Rodgers in destroying, on the coast of Tripoli, a corvette of that power, of twenty-two guns.

I recommended to the consideration of Congress a just indemnification for the interest acquired by the captors of the Mishouda and Mirboha, yielded by them for the public accommodation.

SPECIAL MESSAGE.

JANUARY 16, 1804.

To the Senate and House of Representatives of the United States:—

IN execution of the act of the present session of Congress for taking possession of Louisiana, as ceded to us by France, and for the temporary government thereof, Governor Claiborne, of the Mississippi territory, and General Wilkinson, were appointed commissioners to receive possession. They proceeded, with such regular troops as had been assembled at Fort Adams, from the nearest posts, and with some militia of the Mississippi territory, to New Orleans. To be prepared for anything unexpected, which might arise out of the transaction, a respectable body of militia was ordered to be in readiness, in the states of Ohio, Kentucky, and Tennessee, and a part of those of Tennessee was moved on to Natchez. No occasion, however, arose for their services. Our commissioners, on their arrival at New Orleans, found the province already delivered by the commissaries of Spain to that of France, who delivered it over to them on the twentieth day of December, as appears by their declaratory act accompanying it. Governor Claiborne, being duly invested with the pow-

ers heretofore exercised by the governor and intendant of Louisiana, assumed the government on the same day, and for the maintenance of law and order, immediately issued the proclamation and address now communicated.

On this important acquisition, so favorable to the immediate interests of our western citizens, so auspicious to the peace and security of the nation in general, which adds to our country territories so extensive and fertile, and to our citizens new brethren to partake of the blessings of freedom and self-government, I offer to Congress and the country, my sincere congratulations.

SPECIAL MESSAGE.

MARCH 20, 1804.

To the Senate and House of Representatives of the United States:—

I COMMUNICATE to Congress, a letter received from Captain Bainbridge, commander of the Philadelphia frigate, informing us of the wreck of that vessel on the coast of Tripoli, and that himself, his officers, and men, had fallen into the hands of the Tripolitans. This accident renders it expedient to increase our force, and enlarge our expenses in the Mediterranean beyond what the last appropriation for the naval service contemplated. I recommend, therefore, to the consideration of Congress, such an addition to that appropriation as they may think the exigency requires.

FOURTH ANNUAL MESSAGE.

NOVEMBER 8, 1804.

To the Senate and House of Representatives of the United States:—

To a people, fellow-citizens, who sincerely desire the happiness and prosperity of other nations; to those who justly calculate that their own well-being is advanced by that of the nations with which they have intercourse, it will be a satisfaction to observe that the war which was lighted up in Europe a little before our last meeting has not yet extended its flames to other nations, nor been marked by the calamities which sometimes stain the footsteps of war. The irregularities too on the ocean, which generally harass the commerce of neutral nations have, in distant parts, disturbed ours less than on former occasions. But in the American seas they have been greater from peculiar causes; and even within our harbors and jurisdiction, infringements on the authority of the laws have been committed which have called for serious attention. The friendly conduct of the governments from whose officers and subjects these acts have proceeded, in other respects and in places more under their observation and control, gives us confidence that our representations on this subject will have been properly regarded.

While noticing the irregularities committed on the ocean by others, those on our own part should not be omitted nor left unprovided for.

Complaints have been received that persons residing within the United States have taken on themselves to arm merchant vessels, and to force a commerce into certain ports and countries in defiance of the laws of those countries. That individuals should undertake to wage private war, independently of the authority of their country, can not be permitted in a well-ordered society. Its tendency to produce aggression on the laws and rights of other nations, and to endanger the peace of our own is so obvious, that I doubt not you will adopt measures for restraining it effectually in future.

Soon after the passage of the act of the last session, authorizing the establishment of a district and port of entry on the waters of the Mobile, we learnt that its object was misunderstood on the part of Spain. Candid explanations were immediately given, and assurances that, reserving our claims in that quarter as a subject of discussion and arrangement with Spain, no act was meditated, in the meantime, inconsistent with the peace and friendship existing between the two nations, and that conformably to these intentions would be the execution of the law. That government had, however, thought proper to suspend the ratification of the convention of 1802. But the explanations which would reach them soon after, and still more, the confirmation of them by the tenor of the instrument establishing the port and district, may reasonably be expected to replace them in the dispositions and views of the whole subject which originally dictated the conviction.

I have the satisfaction to inform you that the objections which had been urged by that government against the validity of our title to the country of Louisiana have been withdrawn, its exact limits, however, remaining still to be settled between us. And to this is to be added that, having prepared and delivered the stock created in execution of the convention of Paris, of April 30, 1803, in consideration of the cession of that country, we have received from the government of France an acknowledgment, in due form, of the fulfilment of that stipulation.

With the nations of Europe in general our friendship and intercourse are undisturbed, and from the governments of the belligerent powers especially we continue to receive those friendly manifestations which are justly due to an honest neutrality, and to such good offices consistent with that as we have opportunities of rendering.

The activity and success of the small force employed in the Mediterranean in the early part of the present year, the reinforcement sent into that sea, and the energy of the officers having command in the several vessels, will, I trust, by the sufferings of war, reduce the barbarians of Tripoli to the desire of peace on proper terms. Great injury, however, ensues to ourselves, as well as to others interested, from the distance to which prizes must be brought for adjudication, and from the impracticability of bringing hither such as are not seaworthy.

The bey of Tunis having made requisitions unauthorized by our treaty, their rejection has produced from him some expressions of discontent. But to those who expect us to calculate whether a compliance with unjust demands will not cost us less than a war, we must leave as a question of calculation for them, also, whether to retire from unjust demands will not cost them less than a war. We can do to each other very sensible injuries by war, but the mutual advantages of peace make that the best interest of both.

Peace and intercourse with the other powers on the same coast continue on the footing on which they are established by treaty.

In pursuance of the act providing for the temporary government of Louisiana, the necessary officers for the territory of Orleans were appointed in due time, to commence the exercise of their functions on the first day of October. The distance, however, of some of them, and indispensable previous arrangements, may have retarded its commencement in some of its parts; the form of government thus provided having been considered but as temporary, and open to such future improvements as further information of the circumstances of our brethren there might suggest, it will of course be subject to your consideration.

In the district of Louisiana it has been thought best to adopt the division into subordinate districts which had been established under its former government. These being five in number, a commanding officer has been appointed to each, according to the provision of the law, and so soon as they can be at their station, that district will also be in its due state of organization; in the meantime, their places are supplied by the officers before commanding there. The functions of the governor and judges of Indiana have commenced; the government we presume is proceeding in its new form. The lead mines in that district offer so rich a supply of that metal as to merit attention. The report now communicated will inform you of their state, and of the necessity of immediate inquiry into their occupation and titles.

With the Indian tribes established within our newly-acquired limits, I have deemed it necessary to open conferences for the purpose of establishing a good understanding and neighborly relations between us. So far as we have yet learned, we have reason to believe that their dispositions are generally favorable and friendly; and with these dispositions on their part, we have in our own hands means which can not fail us for preserving their peace and friendship. By pursuing a uniform course of justice toward them, by aiding them in all the improvements which may better their condition, and especially by establishing a commerce on terms which shall be advantageous to them and only not losing to us, and so regulated as that no incendiaries of our own or any other nation may be permitted to disturb the natural effects of our just and friendly offices, we may render ourselves so necessary to their comfort and prosperity, that the protection of our citizens from their disorderly members will become their interest and their voluntary care. Instead, therefore, of an augmentation of military force proportioned to our extension of frontier, I proposed a moderate enlargement of the capital employed in that commerce, as a more effectual, economical, and humane instrument for preserving peace and good neighborhood with them.

On this side the Mississippi an important relinquishment of native title has been received from the Delawares. That tribe, desiring to extinguish in their people the spirit of hunting, and to convert superfluous lands into the means of improving what they retain, have ceded to us all the country between the Wabash and the Ohio, south of and including the road from the rapids toward Vincennes, for which they are to receive annuities in animals and implements for agriculture, and in other necessaries. This acquisition is important, not only for its extent and fertility, but as fronting three hundred miles on the Ohio, and near half that on the Wabash; the produce of the settled countries descending those rivers will no longer pass in review of the Indian frontier but in a small portion, and with the

cession heretofore made with the Kaskaskias, nearly consolidates our possessions north of the Ohio, in a very respectable breadth, from Lake Erie to the Mississippi. The Piankeshaws having some claim to the country ceded by the Delawares, it has been thought best to quiet that by fair purchase also. So soon as the treaties on this subject shall have received their constitutional sanctions, they shall be laid before both houses.

The act of Congress of February 28th, 1803, for building and employing a number of gun-boats, is now in a course of execution to the extent there provided for. The obstacle to naval enterprise which vessels of this construction offer for our seaport towns; their utility toward supporting within our waters the authority of the laws; the promptness with which they will be manned by the seamen and militia of the place the moment they are wanting; the facility of their assembling from different parts of the coast to any point where they are required in greater force than ordinary; the economy of their maintenance and preservation from decay when not in actual service; and the competence of our finances to this defensive provision, without any new burden, are considerations which will have due weight with Congress in deciding on the expediency of adding to their number from year to year, as experience shall test their utility, until all our important harbors, by these and auxiliary means, shall be insured against insult and opposition to the laws.

No circumstance has arisen since your last session which calls for any augmentation of our regular military force. Should any improvement occur in the militia system, that will be always seasonable.

Accounts of the receipts and expenditures of the last year, with estimates for the ensuing one, will as usual be laid before you.

The state of our finances continue to fulfil our expectations. Eleven millions and a half of dollars, received in the course of the year ending on the 30th of September last, have enabled us, after meeting all the ordinary expenses of the year, to pay upward of $3,600,000 of the public debt, exclusive of interest. This payment, with those of the two preceding years, has extinguished upward of twelve millions of the principal, and a greater sum of interest, within that period; and by a proportional diminution of interest renders already sensible the effect of the growing sum yearly applicable to the discharge of the principal.

It is also ascertained that the revenue accrued during the last year exceeds that of the preceding; and the probable receipts of the ensuing year may safely be relied on as sufficient, with the sum already in the treasury, to meet all the current demands of the year, to discharge upward of three millions and a half of the engagements incurred under the British and French conventions, and to advance in the farther redemption of the funded debts as rapidly as had been contemplated. These, fellow-citizens, are the principal matters which I have thought it necessary at this time to communicate for your consideration and attention. Some others will be laid before you in the course of the session, but in the discharge of the great duties confided to you by our country, you will take a broader view of the field of legislation. Whether the great interests of agriculture, manufactures, commerce, or navigation, can within the pale of your constitutional powers be aided in any of their relations; whether laws are provided in all cases where they are wanting; whether those provided are exactly what they should be; whether any abuses take place in their administration, or in that of the public revenues; whether the organization of the public agents or of the public force is perfect in all its

parts; in fine, whether anything can be done to advance the general good, are questions within the limits of your functions which will necessarily occupy your attention. In these and other matters which you in your wisdom may propose for the good of our country, you may count with assurance on my hearty co-operation and faithful execution.

SECOND INAUGURAL ADDRESS.

March 4, 1805.

Proceeding, fellow-citizens, to that qualification which the constitution requires, before my entrance on the charge again conferred on me, it is my duty to express the deep sense I entertain of this new proof of confidence from my fellow-citizens at large, and the zeal with which it inspires me, so to conduct myself as may best satisfy their just expectations.

On taking this station on a former occasion, I declared the principles on which I believed it my duty to administer the affairs of our commonwealth. My conscience tells me that I have, on every occasion, acted up to that declaration, according to its obvious import, and to the understanding of every candid mind.

In the transaction of your foreign affairs, we have endeavored to cultivate the friendship of all nations, and especially of those with which we have the most important relations. We have done them justice on all occasions, favored where favor was lawful, and cherished mutual interests and intercourse on fair and equal terms. We are firmly convinced, and we act on that conviction, that with nations, as with individuals, our interests soundly calculated will ever be found inseparable from our moral duties; and history bears witness to the fact, that a just nation is trusted on its word, when resource is had to armaments and wars to bridle others.

At home, fellow-citizens, you best know whether we have done well or ill. The suppression of unnecessary offices, of useless establishments and expenses, enabled us to discontinue our internal taxes. These covering our land with officers, and opening our doors to their intrusions, had already begun that process of domiciliary vexation, which, once entered, is scarcely to be restrained from reaching successively every article of produce and property. If among these taxes some minor ones fell which had not been inconvenient, it was because their amount would not have paid the officers who collected them, and because, if they had any merit, the state authorities might adopt them, instead of others less approved.

The remaining revenue on the consumption of foreign articles, is paid cheerfully by those who can afford to add foreign luxuries to domestic comforts, being collected on our seaboard and frontiers only, and incorporated with the transactions of our mercantile citizens, it may be the pleasure and the pride of an American to ask, what farmer, what mechanic, what laborer, ever sees a tax-gatherer of the United States? These contributions enable us to support the current expenses of the government, to fulfil contracts with foreign nations, to extinguish the native right of soil within

our limits, to extend those limits, and to apply such a surplus to our public debts, as places at a short day their final redemption, and that redemption once effected, the revenue thereby liberated may, by a just repartition among the states, and a corresponding amendment of the constitution, be applied, *in time of peace*, to rivers, canals, roads, arts, manufactures, education, and other great objects within each state. *In time of war*, if injustice, by ourselves or others, must sometimes produce war, increased as the same revenue will be increased by population and consumption, and aided by other resources reserved for that crisis, it may meet within the year all the expenses of the year, without encroaching on the rights of future generations by burdening them with the debts of the past. War will then be but a suspension of useful works, and a return to a state of peace, a return to the progress of improvement.

I have said, fellow-citizens, that the income reserved had enabled us to extend our limits; but that extension may possibly pay for itself before we are called on, and in the meantime, may keep down the accruing interest; in all events, it will repay the advances we have made. I know that the acquisition of Louisiana has been disapproved by some, from a candid apprehension that the enlargement of our territory would endanger its union. But who can limit the extent to which the federative principle may operate effectively? The larger our association, the less will it be shaken by local passions; and in any view, is it not better that the opposite bank of the Mississippi should be settled by our own brethren and children, than by strangers of another family? With which shall we be most likely to live in harmony and friendly intercourse?

In matters of religion, I have considered that its free exercise is placed by the constitution independent of the powers of the general government. I have therefore undertaken, on no occasion, to prescribe the religious exercises suited to it; but have left them, as the constitution found them, under the direction and discipline of state or church authorities acknowledged by the several religious societies.

The aboriginal inhabitants of these countries I have regarded with the commiseration their history inspires. Endowed with the faculties and the rights of men, breathing an ardent love of liberty and independence, and occupying a country which left them no desire but to be undisturbed, the stream of overflowing population from other regions directed itself on these shores; without power to divert, or habits to contend against, they have been overwhelmed by the current, or driven before it; now reduced within limits too narrow for the hunter's state, humanity enjoins us to teach them agriculture and the domestic arts; to encourage them to that industry which alone can enable them to maintain their place in existence, and to prepare them in time for that state of society, which to bodily comforts adds the improvement of the mind and morals. We have therefore liberally furnished them with the implements of husbandry and household use; we have placed among them instructors in the arts of first necessity; and they are covered with the ægis of the law against aggressors from among ourselves.

But the endeavors to enlighten them on the fate which awaits their present course of life, to induce them to exercise their reason, follow its dictates, and change their pursuits with the change of circumstances, have powerful obstacles to encounter; they are combated by the habits of their bodies, prejudice of their minds, ignorance, pride, and the influence of

interested and crafty individuals among them, who feel themselves something in the present order of things, and fear to become nothing in any other. These persons inculcate a sanctimonious reverence for the customs of their ancestors; that whatsoever they did, must be done through all time; that reason is a false guide, and to advance under its counsel, in their physical, moral, or political condition, is perilous innovation; that their duty is to remain as their Creator made them, ignorance being safety, and knowledge full of danger; in short, my friends, among them is seen the action and counteraction of good sense and bigotry; they too have their anti-philosophers, who find an interest in keeping things in their present state, who dread reformation, and exert all their faculties to maintain the ascendency of habit over the duty of improving our reason and obeying its mandates.

In giving these outlines, I do not mean, fellow-citizens, to arrogate to myself the merit of the measures; that is due, in the first place, to the reflecting character of our citizens at large, who, by the weight of public opinion, influence and strengthen the public measures; it is due to the sound discretion with which they select from among themselves those to whom they confide the legislative duties; it is due to the zeal and wisdom of the characters thus selected, who lay the foundations of public happiness in wholesome laws, the execution of which alone remains for others; and it is due to the able and faithful auxiliaries, whose patriotism has associated with me in the executive functions.

During this course of administration, and in order to disturb it, the artillery of the press has been levelled against us, charged with whatsoever its licentiousness could devise or dare. These abuses of an institution so important to freedom and science, are deeply to be regretted, inasmuch as they tend to lessen its usefulness, and to sap its safety; they might, indeed, have been corrected by the wholesome punishments reserved and provided by the laws of the several states against falsehood and defamation; but public duties more urgent press on the time of public servants, and the offenders have therefore been left to find their punishment in the public indignation.

Nor was it uninteresting to the world, that an experiment should be fairly and fully made, whether freedom of discussion, unaided by power, is not sufficient for the propagation and protection of truth—whether a government, conducting itself in the true spirit of its constitution, with zeal and purity, and doing no act which it would be unwilling the whole world should witness, can be written down by falsehood and defamation. The experiment has been tried; you have witnessed the scene; our fellow-citizens have looked on, cool and collected; they saw the latent source from which these outrages proceeded; they gathered around their public functionaries, and when the constitution called them to the decision by suffrage, they pronounced their verdict, honorable to those who had served them, and consolatory to the friend of man, who believes he may be intrusted with his own affairs.

No inference is here intended, that the laws, provided by the state against false and defamatory publications, should not be enforced; he who has time, renders a service to public morals and public tranquillity, in reforming these abuses by the salutary coe[illegible]ions of the law; but the experiment is noted, to prove that, since truth and reason have maintained their ground against false opinions in league with false facts, the press, confined

to truth, needs no other legal restraint; the public judgment will correct false reasonings and opinions, on a full hearing of all parties; and no other definite line can be drawn between the inestimable liberty of the press and its demoralizing licentiousness. If there be still improprieties which this rule would not restrain, its supplement must be sought in the censorship of public opinion.

Contemplating the union of sentiment now manifested so generally, as auguring harmony and happiness to our future course, I offer to our country sincere congratulations. With those, too, not yet rallied to the same point, the disposition to do so is gaining strength; facts are piercing through the veil drawn over them; and our doubting brethren will at length see, that the mass of their fellow-citizens, with whom they can not yet resolve to act, as to principles and measures, think as they think, and desire what they desire; that our wish, as well as theirs, is, that the public efforts may be directed honestly to the public good, that peace be cultivated, civil and religious liberty unassailed, law and order preserved, equality of rights maintained, and that state of property, equal or unequal, which results to every man from his own industry, or that of his fathers. When satisfied of these views, it is not in human nature that they should not approve and support them; in the meantime, let us cherish them with patient affection; let us do them justice, and more than justice, in all competitions of interest; and we need not doubt that truth, reason, and their own interests, will at length prevail, will gather them into the fold of their country, and will complete their entire union of opinion, which gives to a nation the blessing of harmony, and the benefit of all its strength.

I shall now enter on the duties to which my fellow-citizens have again called me, and shall proceed in the spirit of those principles which they have approved. I fear not that any motives of interest may lead me astray; I am sensible of no passion which could seduce me knowingly from the path of justice; but the weakness of human nature, and the limits of my own understanding, will produce errors of judgment sometimes injurious to your interests. I shall need, therefore, all the indulgence I have heretofore experienced—the want of it will certainly not lessen with increasing years. I shall need, too, the favor of that Being in whose hands we are, who led our forefathers, as Israel of old, from their native land, and planted them in a country flowing with all the necessaries and comforts of life; who has covered our infancy with his providence, and our riper years with his wisdom and power; and to whose goodness I ask you to join with me in supplications, that he will so enlighten the minds of your servants, guide their councils, and prosper their measures, that whatsoever they do, shall result in your good, and shall secure to you the peace, friendship, and approbation of all nations.

FIFTH ANNUAL MESSAGE.

DECEMBER 3, 1805.

To the Senate and House of Representatives of the United States:—

AT a moment when the nations of Europe are in commotion and arming against each other, and when those with whom we have principal intercourse are engaged in the general contest, and when the countenance of some of them toward our peaceable country threatens that even that may not be unaffected by what is passing on the general theatre, a meeting of the representatives of the nation in both houses of Congress has become more than usually desirable. Coming from every section of our country, they bring with them the sentiments and the information of the whole, and will be enabled to give a direction to the public affairs which the will and the wisdom of the whole will approve and support.

In taking a view of the state of our country, we in the first place notice the late affliction of two of our cities under the fatal fever which in latter times has occasionally visited our shores. Providence in his goodness gave it an early termination on this occasion, and lessened the number of victims which have usually fallen before it. In the course of the several visitations by this disease it has appeared, that it is strictly local; incident to the cities and on the tide waters only; incommunicable in the country, either by persons under the disease or by goods carried from diseased places; that its access is with the autumn, and that it disappears with the early frosts. These restrictions within narrow limits of time and space give security even to our maritime cities during three fourths of the year, and to the country always. Although from these facts it appears unnecessary, yet to satisfy the fears of foreign nations, and cautions on their part not to be complained of in a danger whose limits are yet unknown to them, I have strictly enjoined on the officers at the head of the customs to certify with exact truth for every vessel sailing for a foreign port, the state of health respecting this fever which prevails at the place from which she sails. Under every motive from character and duty to certify the truth, I have no doubt they have faithfully executed this injunction. Much real injury has, however, been sustained, from a propensity to identify with this epidemic, and to call by the same name, fevers of very different kinds, which have been known at all times and in all countries and never have been placed among those deemed contagious. As we advance in our knowledge of this disease, as facts develop the source from which individuals receive it, the state authorities charged with the care of the public health, and Congress with that of the general commerce, will become able to regulate with effect their respective functions in these departments. The burden of quarantines is felt at home as well as abroad; their efficacy merits examination. Although the health laws of the states

should be found to need no present revisal by Congress, yet commerce claims that their attention be ever awake to them.

Since our last meeting the aspect of our foreign relations has considerably changed. Our coasts have been infested and our harbors watched by private armed vessels, some of them without commissions, some with illegal commissions, others with those of legal form but committing piratical acts beyond the authority of their commissions. They have captured in the very entrance of our harbors, as well as on the high seas, not only the vessels of our friends coming to trade with us but our own also. They have carried them off under pretence of legal adjudication, but not daring to approach a court of justice, they have plundered and sunk them by the way, or in obscure places where no evidence could arise against them; maltreated the crews, and abandoned them in boats in the open sea or on desert shores without food or covering. These enormities appearing to be unreached by any control of their sovereigns, I found it necessary to equip a force to cruise within our own seas, to arrest all vessels of these descriptions found hovering on our coast within the limits of the Gulf Stream, and to bring the offenders in for trial as pirates.

The same system of hovering on our coasts and harbors under color of seeking enemies has been also carried on by public armed ships, to the great annoyance and oppression of our commerce. New principles, too, have been interpolated into the law of nations, founded neither in justice nor the usage or acknowledgment of nations. According to these, a belligerent takes to himself a commerce with its own enemy which it denies to a neutral on the ground of its aiding that enemy in the war. But reason revolts at such an inconsistency, and the neutral having equal right with the belligerent to decide the question, the interest of our constituents and the duty of maintaining the authority of reason, the only umpire between just nations, impose on us the obligation of providing an effectual and determined opposition to a doctrine so injurious to the rights of peaceable nations. Indeed the confidence we ought to have in the justice of others still countenances the hope that a sounder view of those rights will of itself induce from every belligerent a more correct observance of them.

With Spain our negotiations for a settlement of differences have not had a satisfactory issue. Spoliations during the former war, for which she had formally acknowledged herself responsible, have been refused to be compensated, but on conditions affecting other claims in no wise connected with them. Yet the same practices are renewed in the present war and are already of great amount. On the Mobile, our commerce passing through that river continues to be obstructed by arbitrary duties and vexatious searches. Propositions for adjusting amicably the boundaries of Louisiana have not been acceded to. While, however, the right is unsettled, we have avoided changing the state of things by taking new posts or strengthening ourselves in the disputed territories, in the hope that the other power would not by contrary conduct oblige us to meet their example, and endanger conflicts of authority the issue of which may not be easily controlled. But in this hope we have now reason to lessen our confidence. Inroads have been recently made into the territories of Orleans and the Mississippi, our citizens have been seized and their property plundered in the very parts of the former which had been actually delivered up by Spain, and this by the regular officers and soldiers of that government. I have therefore found it necessary at length to give orders to our troops on that frontier to be in readiness to protect our citizens, and to repel by arms any

similar aggressions in future. Other details, necessary for your full information of the state of things between this country and that, shall be the subject of another communication.

In reviewing these injuries from some of the belligerent powers, the moderation, the firmness, and the wisdom of the legislature will be all called into action. We ought still, to hope that time and a more correct estimate of interest, as well as of character, will produce the justice we are bound to expect. But should any nation deceive itself by false calculations, and disappoint that expectation, we must join in the unprofitable contest of trying which party can do the other the most harm. Some of these injuries may perhaps admit a peaceable remedy. Where that is competent it is always the most desirable. But some of them are of a nature to be met by force only, and all of them may lead to it. I can not, therefore, but recommend such preparations as circumstances call for. The first object is to place our seaport towns out of the danger of insult. Measures have been already taken for furnishing them with heavy cannon for the service of such land batteries as may make a part of their defence against armed vessels approaching them. In aid of these it is desirable that we should have a competent number of gun-boats; and the number, to be competent, must be considerable. If immediately begun, they may be in readiness for service at the opening of the next season. Whether it will be necessary to augment our land forces will be decided by occurrences probably in the course of your session. In the meantime, you will consider whether it would not be expedient, for a state of peace as well as of war, so to organize or class the militia as would enable us, on a sudden emergency, to call for the services of the younger portions, unencumbered with the old and those having families. Upward of three hundred thousand able-bodied men, between the ages of eighteen and twenty-six years, which the last census shows we may now count within our limits, will furnish a competent number for offence or defence in any point where they may be wanted, and will give time for raising regular forces after the necessity of them shall become certain; and the reducing to the early period of life all its active service can not but be desirable to our younger citizens, of the present as well as future times, inasmuch as it engages to them in more advanced age a quiet and undisturbed repose in the bosom of their families. I can not, then, but earnestly recommend to your early consideration the expediency of so modifying our militia system as, by a separation of the more active part from that which is less so, we may draw from it, when necessary, an efficient corps fit for real and active service, and to be called to it in regular rotation.

Considerable provision has been made, under former authorities from Congress, of materials for the construction of ships-of-war of seventy-four guns. These materials are on hand, subject to the further will of the legislature.

An immediate prohibition of the exportation of arms and ammunition is also submitted to your determination.

Turning from these unpleasant views of violence and wrong, I congratulate you on the liberation of our fellow-citizens who were stranded on the coast of Tripoli and made prisoners-of-war. In a government bottomed on the will of all, the life and liberty of every individual citizen become interesting to all. In the treaty, therefore, which has concluded our warfare with that state, an article for the ransom of our citizens has been agreed to. An operation by land, by a small band of our countrymen, and

others—engaged for the occasion, in conjunction with the troops of the ex-bashaw of that country, gallantly conducted by our late consul Eaton, and their successful enterprise on the city of Derne, contributed, doubtless, to the impression which produced peace; and the conclusion of this prevented opportunities of which the officers and men of our squadron destined for Tripoli would have availed themselves, to emulate the acts of valor exhibited by their brethren in the attack of the last year. Reflecting with high satisfaction on the distinguished bravery displayed whenever occasion permitted in the Mediterranean service, I think it would be a useful encouragement, as well as a just reward, to make an opening for some present promotion by enlarging our peace establishment of captains and lieutenants.

With Tunis some misunderstandings have arisen, not yet sufficiently explained, but friendly discussions with their ambassador recently arrived, and a mutual disposition to do whatever is just and reasonable, can not fail of dissipating these; so that we may consider our peace on that coast, generally, to be on as sound a footing as it has been at any preceding time. Still it will not be expedient to withdraw, immediately, the whole of our force from that sea.

The law for providing a naval peace establishment fixes the number of frigates which shall be kept in constant service in time of peace, and prescribes that they shall not be manned by more than two thirds of their complement of seamen and ordinary seamen. Whether a frigate may be trusted to two thirds only of her proper complement of men must depend on the nature of the service on which she is ordered; that may sometimes, for her safety as well as to insure her object, require her fullest complement. In adverting to this subject, Congress will perhaps consider whether the best limitation on the executive discretion in this case would not be by the number of seamen which may be employed in the whole service, rather than by the number of vessels. Occasions oftener arise for the employment of small than of large vessels, and it would lessen risk as well as expense to be authorized to employ them of preference. The limitation suggested by the number of seamen would admit a selection of vessels best adapted to the service.

Our Indian neighbors are advancing, many of them with spirit and others beginning to engage, in the pursuits of agriculture and household manufacture. They are becoming sensible that the earth yields subsistence with less labor and more certainty than the forest, and find it their interest, from time to time, to dispose of parts of their surplus and waste lands for the means of improving those they occupy, and of subsisting their families while they are preparing their farms. Since your last session, the northern tribes have sold to us the lands between the Connecticut reserve and the former Indian boundary; and those on the Ohio, from the same boundary to the rapids, and for a considerable depth inland. The Chickasaws and Cherokees have sold us the country between and adjacent to the two districts of Tennessee, and the Creeks, the residue of their lands in the fork of Ocmulgee, up to the Ulcofauhatche. The three former purchases are important, inasmuch as they consolidate disjointed parts of our settled country, and render their intercourse secure; and the second particularly so, as with the small point on the river which we expect is by this time ceded by the Piankeshaws, it completes our possession of the whole of both banks of the Ohio, from its source to near its mouth, and the navigation of that river is thereby rendered for ever safe to our citizens

settled and settling on its extensive waters. The purchase from the Creeks too has been for some time particularly interesting to the state of Georgia.

The several treaties which have been mentioned will be submitted to both houses of Congress for the exercise of their respective functions.

Deputations now on their way to the seat of government, from various nations of Indians inhabiting the Missouri and other parts beyond the Mississippi, come charged with the assurances of their satisfaction with the new relations in which they are placed with us, of their disposition to cultivate our peace and friendship, and their desire to enter into commercial intercourse with us. A statement of our progress in exploring the principal rivers of that country, and of the information respecting them hitherto obtained, will be communicated so soon as we shall receive some further relations which we have reason shortly to expect.

The receipts at the treasury during the year ending the 30th day of September last, have exceeded the sum of thirteen millions of dollars, which, with not quite five millions in the treasury at the beginning of the year, have enabled us, after meeting other demands, to pay nearly two millions of the debt contracted under the British treaty and convention, upward of four millions of principal of the public debt, and four millions of interest. These payments, with those which had been made in three years and a half preceding, have extinguished of the funded debt nearly eighteen millions of principal. Congress, by their act of November 10th, 1803, authorized us to borrow one million, seven hundred and fifty thousand dollars, toward meeting the claims of our citizens assumed by the convention with France. We have not, however, made use of this authority, because the sum of four millions and a half, which remained in the treasury on the same 30th day of September last, with the receipts which we may calculate on for the ensuing year, besides paying the annual sum of eight millions of dollars appropriated to the funded debt, and meeting all the current demands which may be expected, will enable us to pay the whole sum of three millions seven hundred and fifty thousand dollars assumed by the French convention, and still leave us a surplus of nearly a million of dollars at our free disposal. Should you concur in the provisions of arms and armed vessels recommended by the circumstances of the times, this surplus will furnish the means of doing so.

On this first occasion of addressing Congress, since by the choice of my constituents I have entered on a second term of administration, I embrace the opportunity to give this public assurance, that I will exert my best endeavors to administer faithfully the executive department, and will zealously co-operate with you in every measure which may tend to secure the liberty, property, and personal safety of our fellow-citizens, and to consolidate the republican forms and principles of our government.

In the course of your session you shall receive all the aid which I can give for the despatch of the public business, and all the information necessary for your deliberations, of which the interests of our own country and the confidence reposed in us by others will admit a communication.

SPECIAL MESSAGE.

JANUARY 13, 1806.

To the Senate and House of Representatives of the United States:—

I LAY before Congress the application of Hamet Caramalli, elder brother of the reigning bashaw of Tripoli, soliciting from the United States attention to his services and sufferings in the late war against that state. And in order to possess them of the ground on which that application stands, the facts shall be stated according to the views and information of the executive.

During the war with Tripoli, it was suggested that Hamet Caramalli, elder brother of the reigning bashaw, and driven by him from his throne, meditated the recovery of his inheritance, and that a concert in action with us was desirable to him. We considered that concerted operations by those who have a common enemy were entirely justifiable, and might produce effects favorable to both, without binding either to guaranty the objects of the other. But the distance of the scene, the difficulties of communication, and the uncertainty of our information, inducing the less confidence in the measures, it was committed to our agents as one which might be resorted to if it promised to promote our success.

Mr. Eaton, however (our late consul), on his return from the Mediterranean, possessing a personal knowledge of the scene, and having confidence in the effect of a joint operation, we authorized Commodore Barron, then proceeding with his squadron, to enter into an understanding with Hamet if he should deem it useful; and as it was represented that he would need some aids of arms, and ammunition, and even of money, he was authorized to furnish them to a moderate extent, according to the prospect of utility to be expected from it. In order to avail him of the advantages of Mr. Eaton's knowledge of circumstances, an occasional employment was provided for the latter as an agent for the navy in that sea. Our expectation was, that an intercourse should be kept up between the ex-bashaw and the commodore, that while the former moved on by land, our squadron should proceed with equal pace so as to arrive at their destination together, and to attack the common enemy by land and sea at the same time. The instructions of June 6th, to Commodore Barron, show that a co-operation only was intended, and by no means a union of our object with the fortune of the ex-bashaw, and the commodore's letters of March 22d and May 19th proved that he had the most correct idea of our intentions. His verbal instructions indeed to Mr. Eaton and Captain Hull, if the expressions are accurately committed to writing by those gentlemen, do not limit the extent of his co-operation as rigorously as he probably intended; but it is certain, from the ex-bashaw's letter of January 3d, written when he was proceeding to join Mr. Eaton, and in which he says, "Your operations should be carried on by sea, mine by land," that he left the position in which he was with a proper idea of the nature of the co-operation. If Mr. Eaton's subsequent convention should appear to bring forward other objects, his letter of April 29th and May 1st views this convention but as provisional, the second article, as he expressly states, guarding it against any ill effect; and his letter of June 30th confirms this construction.

In the event it was found that after placing the ex-bashaw in possession

of Derne, one of the most important cities and provinces of the country, where he had resided himself as governor, he was totally unable to command any resources, or to bear any part in the co-operation with us. This hope was then at an end, and we certainly had never contemplated, nor were we prepared, to land an army of our own, or to raise, pay, or subsist, an army of Arabs, to march from Derne to Tripoli and to carry on a land war at such a distance from our resources. Our means and our authority were merely naval, and that such were the expectations of Hamet, his letter of June 29th is an unequivocal acknowledgment. While, therefore, an impression from the capture of Derne might still operate at Tripoli, and an attack on that place from our squadron was daily expected, Colonel Lear thought it the best moment to listen to overtures of peace then made by the bashaw. He did so, and while urging provisions for the United States, he paid attention also to the interests of Hamet; but was able to effect nothing more than to engage the restitution of his family, and even the persevering in this demand suspended for some time the conclusion of the treaty.

In operations at such a distance, it becomes necessary to leave much to the discretion of the agents employed, but events may still turn up beyond the limits of that discretion. Unable in such case to consult his government, a zealous citizen will act as he believes that would direct him were it apprized of the circumstances, and will take on himself the responsibility. In all these cases the purity and patriotism of the motives should shield the agent from blame, and even secure a sanction where the error is not too injurious. Should it be thought by any that the verbal instructions said to have been given by Commodore Barron to Mr. Eaton amount to a stipulation that the United States should place Hamet Caramalli on the throne of Tripoli, a stipulation so entirely unauthorized, so far beyond our views, and so onerous, could not be sanctioned by our government; or should Hamet Caramalli, contrary to the evidence of his letters of January 3d and June 29th, be thought to have left the position which he now seems to regret, under a mistaken expectation that we were at all events to place him on his throne, on an appeal to the liberality of the nation something equivalent to the replacing him in his former situation might be worthy its consideration.

A nation, by establishing a character of liberality and magnanimity, gains in the friendship and respect of others more than the worth of mere money. This appeal is now made by Hamet Caramalli to the United States. The ground he has taken being different not only from our views but from those expressed by himself on former occasions, Mr. Eaton was desired to state whether any verbal communications passed from him to Hamet which had varied what we saw in writing. His answer of December 5th is herewith transmitted, and has rendered it still more necessary, that in presenting to the legislature the application of Hamet I should present them at the same time an exact statement of the views and proceedings of the executive through this whole business, that they may clearly understand the ground on which we are placed. It is accompanied by all the papers which bear any relation to the principles of the co-operation, and which can inform their judgment in deciding on the application of Hamet Caramalli.

SPECIAL MESSAGE.

JANUARY 17, 1806.

To the Senate and House of Representatives of the United States:—

IN my message to both houses of Congress at the opening of their present session, I submitted to their attention, among other subjects, the oppression of our commerce and navigation by the irregular practices of armed vessels, public and private, and by the introduction of new principles, derogatory of the rights of neutrals and unacknowledged by the usage of nations.

The memorials of several bodies of merchants of the United States are now communicated, and will develop these principles and practices which are producing the most ruinous effects on our lawful commerce and navigation.

The rights of a neutral to carry on a commercial intercourse with every part of the dominions of a belligerent, permitted by the laws of the country (with the exception of blockaded ports and contraband of war), was believed to have been decided between Great Britain and the United States by the sentence of the commissioners mutually appointed to decide on that and other questions of difference between the two nations, and by the actual payment of damages awarded by them against Great Britain for the infractions of that right. When, therefore, it was perceived that the same principle was revived with others more novel, and extending the injury, instructions were given to the minister plenipotentiary of the United States at the court of London, and remonstrances duly made by him on this subject, as will appear by documents transmitted herewith. These were followed by a partial and temporary suspension only, without any disavowal of the principle. He has therefore been instructed to urge this subject anew, to bring it more fully to the bar of reason, and to insist on rights too evident and too important to be surrendered. In the meantime, the evil is proceeding under adjudications founded on the principle which is denied. Under these circumstances the subject presents itself for the consideration of Congress.

On the impressment of our seamen our remonstrances have never been intermitted. A hope existed at one moment of an arrangement which might have been submitted to, but it soon passed away, and the practice, though relaxed at times in the distant seas, has been constantly pursued in those in our neighborhood. The grounds on which the reclamations on this subject have been urged will appear in an extract from instructions to our minister at London now communicated.

SPECIAL MESSAGE.

FEBRUARY 3, 1806.

To the Senate and House of Representatives of the United States:—

A LETTER has been received from the governor of South Carolina, covering an act of the legislature of that state, ceding to the United States vari

ous forts and fortifications, and sites for the erection of forts in that state, on the conditions therein expressed. This letter and the act it covered are now communicated to Congress.

I am not informed whether the positions ceded are the best which can be taken for securing their respective objects. No doubt is entertained that the legislature deemed them such. The river of Beaufort particularly, said to be accessible to ships of very large size, and capable of yielding them a protection which they can not find elsewhere, but very far to the north, is, from these circumstances, so interesting to the Union in general, as to merit particular attention and inquiry, as to the positions on it best calculated for health as well as safety.

SPECIAL MESSAGE.

FEBRUARY 19, 1806.

To the Senate and House of Representatives of the United States:—

IN pursuance of a measure submitted to Congress by a message of January 18th, 1803, and sanctioned by their appropriation for carrying it into execution, Captain Meriwether Lewis, of the first regiment of infantry, was appointed, with a party of men, to explore the river Missouri from its mouth to its source; and, crossing the highlands by the shortest portage, to seek the best water communication thence to the Pacific ocean; and Lieutenant Clarke was appointed second in command. They were to enter into conference with the Indian nations on their route, with a view to the establishment of commerce with them. They entered the Missouri, May 14th, 1804, and on the 1st of November, took up their winter quarters near the Maudan towns, 1609 miles above the mouth of the river, in latitude 47° 21′ 47″ north, and longitude, 99° 24′ 45″ west, from Greenwich. On the 8th of April, 1805, they proceeded up the river in pursuance of the objects prescribed to them. A letter of the preceding day, April the 7th, from Captain Lewis, is herewith communicated. During his stay among the Maudans', he had been able to lay down the Missouri according to courses and distances taken under his passage up it, corrected by frequent observations of longitude and latitude, and to add to the actual survey of this portion of the river, a general map of the country between the Mississippi and Pacific, from the thirty-fourth to the fifty-fourth degrees of latitude. These additions are from information collected from Indians with whom he had opportunity of communicating during his journey and residence among them. Copies of this map are now presented to both houses of Congress. With these I communicate, also, a statistical view, procured and forwarded by him, of the Indian nations inhabiting the territory of Louisiana, and the countries adjacent to its northern and western borders; of their commerce, and of other interesting circumstances respecting them.

In order to render the statement as complete as may be, of the Indians inhabiting the country west of the Mississippi, I add Dr. Sibley's account of those residing in and adjacent to the territory of Orleans.

I communicate also, from the same person, an account of the Red river, according to the best information he had been able to collect.

Having been disappointed, after considerable preparation, in the purpose

of sending an exploring expedition up that river in the summer of 1804, it was thought best to employ the autumn in that year in procuring a knowledge on an interesting branch of the river called Washita. This was undertaken under the direction of Mr. Dunbar, of Natchez, a citizen of distinguished science, who had aided, and continues to aid us with his disinterested valuable services in the prosecution of these enterprises. He ascended the river to the remarkable hot springs near it, in latitude, 34° 31′ 4.″16, longitude, 92° 50′ 45″ west, from Greenwich, taking its courses and distances, and correcting them by frequent celestial observations. Extracts from his observations, and copies of his map of the river, from its mouth to the hot springs, make part of the present communications. The examination of the Red river itself is but now commencing.

SPECIAL MESSAGE.

MARCH 20, 1806.

To the Senate and House of Representatives of the United States:—

IT was reasonably expected, that while the limits between the territories of the United States and of Spain were unsettled, neither party would have innovated on the existing state of their respective positions. Some time since, however, we learned that the Spanish authorities were advancing into the disputed country to occupy new posts and make new settlements. Unwilling to take any measures which might preclude a peaceable accommodation of differences, the officers of the United States were ordered to confine themselves within the country on this side of the Sabine river; which, by the delivery of its principal post (Natchitoches), was understood to have been itself delivered up by Spain; and at the same time to permit no adverse post to be taken, nor armed men to remain within it. In consequence of these orders, the commanding officer of Natchitoches, learning that a party of Spanish troops had crossed the Sabine river and were posting themselves on this side the Adais, sent a detachment of his force to require them to withdraw to the other side of the Sabine, which they accordingly did.

I have thought it proper to communicate to Congress the letters detailing this incident, that they may fully understand the state of things in that quarter, and be enabled to make such provision for its security as in their wisdom they shall deem sufficient.

SPECIAL MESSAGE.

APRIL 14, 1806.

To the Senate and House of Representatives of the United States:—

DURING the blockade of Tripoli by the squadron of the United States, a small cruiser, under the flag of Tunis, with two prizes (all of trifling value), attempted to enter Tripoli, was turned back, warned, and attempting again

to enter, was taken and detained as prize by the squadron. Her restitution was claimed by the bey of Tunis, with a threat of war so serious, that, on withdrawing from the blockade of Tripoli, the commanding officer of the squadron thought it his duty to repair to Tunis with his squadron, and to require a categorical declaration whether peace or war was intended. The bey preferred explaining himself by an ambassador to the United States, who, on his arrival, renewed the request that the vessel and her prizes should be restored. It was deemed proper to give this proof of friendship to the bey, and the ambassador was informed the vessels would be restored. Afterward he made a requisition of naval stores to be sent to the bey, in order to secure peace for the term of three years, with a threat of war, if refused. It has been refused, and the ambassador is about to depart without receding from his threat or demand.

Under these circumstances, and considering that the several provisions of the act, March 25th, 1804, will cease in consequence of the ratification of the treaty of peace with Tripoli, now advised to and consented to by the senate, I have thought it my duty to communicate these facts, in order that Congress may consider the expediency of continuing the same provisions for a limited time or making others equivalent.

SIXTH ANNUAL MESSAGE.

DECEMBER 2, 1806.

To the Senate and House of Representatives of the United States in Congress assembled:—

IT would have given me, fellow-citizens, great satisfaction to announce in the moment of your meeting that the difficulties in our foreign relations, existing at the time of your last separation, had been amicably and justly terminated. I lost no time in taking those measures which were most likely to bring them to such a termination, by special missions charged with such powers and instructions as in the event of failure could leave no imputation on either our moderation or forbearance. The delays which have since taken place in our negotiations with the British government appear to have proceeded from causes which do not forbid the expectation that during the course of the session I may be enabled to lay before you their final issue. What will be that of the negotiations for settling our differences with Spain, nothing which had taken place at the date of the last despatches enables us to pronounce. On the western side of the Mississippi she advanced in considerable force, and took post at the settlement of Bayou Pierre, on the Red river. This village was originally settled by France, was held by her as long as she held Louisiana, and was delivered to Spain only as a part of Louisiana. Being small, insulated, and distant, it was not observed, at the moment of redelivery to France and the United States, that she continued a guard of half a dozen men which had been stationed there. A proposition, however, having been lately made by our commander-in-chief, to assume the Sabine river as a temporary line of separation between the troops of the two nations until the issue of our negotiation shall be known; this has been referred by the Spanish commandant to his superior, and in the meantime, he has withdrawn his force

to the western side of the Sabine river. The correspondence on this subject, now communicated, will exhibit more particularly the present state of things in that quarter.

The nature of that country requires indispensably that an unusual proportion of the force employed there should be cavalry or mounted infantry. In order, therefore, that the commanding officer might be enabled to act with effect, I had authorized him to call on the governors of Orleans and Mississippi for a corps of five hundred volunteer cavalry. The temporary arrangement he has proposed may perhaps render this unnecessary. But I inform you with great pleasure of the promptitude with which the inhabitants of those territories have tendered their services in defence of their country. It has done honor to themselves, entitled them to the confidence of their fellow-citizens in every part of the Union, and must strengthen the general determination to protect them efficaciously under all circumstances which may occur.

Having received information that in another part of the United States a great number of private individuals were combining together, arming and organizing themselves contrary to law, to carry on military expeditions against the territories of Spain, I thought it necessary, by proclamations as well as by special orders, to take measures for preventing and suppressing this enterprise, for seizing the vessels, arms, and other means provided for it, and for arresting and bringing to justice its authors and abettors. It was due to that good faith which ought ever to be the rule of action in public as well as in private transactions; it was due to good order and regular government, that while the public force was acting strictly on the defensive and merely to protect our citizens from aggression, the criminal attempts of private individuals to decide for their country the question of peace or war, by commencing active and unauthorized hostilities, should be promptly and efficaciously suppressed.

Whether it will be necessary to enlarge our regular force will depend on the result of our negotiation with Spain; but as it is uncertain when that result will be known, the provisional measures requisite for that, and to meet any pressure intervening in that quarter, will be a subject for your early consideration.

The possession of both banks of the Mississippi reducing to a single point the defence of that river, its waters, and the country adjacent, it becomes highly necessary to provide for that point a more adequate security. Some position above its mouth, commanding the passage of the river, should be rendered sufficiently strong to cover the armed vessels which may be stationed there for defence, and in conjunction with them to present an insuperable obstacle to any force attempting to pass. The approaches to the city of New Orleans, from the eastern quarter also, will require to be examined, and more effectually guarded. For the internal support of the country, the encouragement of a strong settlement on the western side of the Mississippi, within reach of New Orleans, will be worthy the consideration of the legislature.

The gun-boats authorized by an act of the last session are so advanced that they will be ready for service in the ensuing spring. Circumstances permitted us to allow the time necessary for their more solid construction. As a much larger number will still be wanting to place our seaport towns and waters in that state of defence to which we are competent and they entitled, a similar appropriation for a further provision for them is recommended for the ensuing year.

A further appropriation will also be necessary for repairing fortifications already established, and the erection of such works as may have real effect in obstructing the approach of an enemy to our seaport towns, or their remaining before them.

In a country whose constitution is derived from the will of the people, directly expressed by their free suffrages; where the principal executive functionaries, and those of the legislature, are renewed by them at short periods; where, under the characters of jurors, they exercise in person the greatest portion of the judiciary powers; where the laws are consequently so formed and administered as to bear with equal weight and favor on all, restraining no man in the pursuits of honest industry, and securing to every one the property which that acquires, it would not be supposed that any safeguards could be needed against insurrection or enterprise on the public peace or authority. The laws, however, aware that these should not be trusted to moral restraints only, have wisely provided punishments for these crimes when committed. But would it not be salutary to give also the means of preventing their commission? Where an enterprise is meditated by private individuals against a foreign nation in amity with the United States, powers of prevention to a certain extent are given by the laws; would they not be as reasonable and useful where the enterprise preparing is against the United States? While adverting to this branch of the law, it is proper to observe, that in enterprises meditated against foreign nations, the ordinary process of binding to the observance of the peace and good behavior, could it be extended to acts to be done out of the jurisdiction of the United States, would be effectual in some cases where the offender is able to keep out of sight every indication of his purpose which could draw on him the exercise of the powers now given by law.

The states on the coast of Barbary seem generally disposed at present to respect our peace and friendship; with Tunis alone some uncertainty remains. Persuaded that it is our interest to maintain our peace with them on equal terms, or not at all, I propose to send in due time a reinforcement into the Mediterranean, unless previous information shall show it to be unnecessary.

We continue to receive proofs of the growing attachment of our Indian neighbors, and of their disposition to place all their interests under the patronage of the United States. These dispositions are inspired by their confidence in our justice, and in the sincere concern we feel for their welfare; and as long as we discharge these high and honorable functions with the integrity and good faith which alone can entitle us to their continuance, we may expect to reap the just reward in their peace and friendship.

The expedition of Messrs. Lewis and Clarke, for exploring the river Missouri and the best communication from that to the Pacific ocean, has had all the success which could have been expected. They have traced the Missouri nearly to its source, descended the Columbia to the Pacific ocean, ascertained with accuracy the geography of that interesting communication across our continent, learned the character of the country, of its commerce, and inhabitants; and it is but justice to say that Messrs. Lewis and Clarke, and their brave companions, have by this arduous service deserved well of their country.

The attempt to explore the Red river, under the direction of Mr. Freeman, though conducted with a zeal and prudence meriting entire approba-

tion, has not been equally successful. After proceeding up it about six hundred miles, nearly as far as the French settlements had extended while the country was in their possession, our geographers were obliged to return without completing their work.

Very useful additions have also been made to our knowledge of the Mississippi by Lieutenant Pike, who has ascended it to its source, and whose journal and map, giving the details of his journey, will shortly be ready for communication to both houses of Congress. Those of Messrs. Lewis and Clarke, and Freeman, will require further time to be digested and prepared. These important surveys, in addition to those before possessed, furnish materials for commencing an accurate map of the Mississippi and its western waters. Some principal rivers, however, remain still to be explored, toward which the authorization of Congress, by moderate appropriations, will be requisite.

I congratulate you, fellow-citizens, on the approach of the period at which you may interpose your authority constitutionally, to withdraw the citizens of the United States from all further participation in those violations of human rights which have been so long continued on the unoffending inhabitants of Africa, and which the morality, the reputation, and the best interests of our country, have long been eager to proscribe. Although no law you may pass can take prohibitory effect till the first day of the year one thousand eight hundred and eight, yet the intervening period is not too long to prevent, by timely notice, expeditions which can not be completed before that day.

The receipts at the treasury during the year ending on the 30th day of September last, have amounted to near fifteen millions of dollars, which have enabled us, after meeting the current demands, to pay two millions seven hundred thousand dollars of the American claims, in parts of the price of Louisiana; to pay of the funded dubt upward of three millions of principal, and nearly four of interest; and in addition, to reimburse, in the course of the present month, near two millions of five and a half per cent. stock. These payments and reimbursements of the funded debt, with those which had been made in the four years and a half preceding, will at the close of the present year have extinguished upward of twenty-three millions of principal.

The duties composing the Mediterranean fund will cease by law at the end of the present season. Considering, however, that they are levied chiefly on luxuries, and that we have an impost on salt, a necessary of life the free use of which otherwise is so important, I recommend to your consideration the suppression of the duties on salt, and the continuation of the Mediterranean fund, instead thereof, for a short time, after which that also will become unnecessary for any purpose now within contemplation.

When both of these branches of revenue, shall in this way be relinquished, there will still ere long be an accumulation of moneys in the treasury beyond the instalments of public debt which we are permitted by contract to pay. They can not, then, without a modification assented to by the public creditors, be applied to the extinguishment of this debt, and the complete liberation of our revenues—the most desirable of all objects: nor, if our peace continues, will they be wanting for any other existing purpose. The question, therefore, now comes forward; to what other objects shall these surpluses be appropriated, and the whole surplus of impost, after the entire discharge of the public debt, and during those intervals when the purposes of war shall not call for them? Shall we suppress the impost

and give that advantage to foreign over domestic manufactures? On a few articles of more general and necessary use, the suppression in due season will doubtless be right, but the great mass of the articles on which impost is paid are foreign luxuries, purchased by those only who are rich enough to afford themselves the use of them. Their patriotism would certainly prefer its continuance and application to the great purposes of the public education, roads, rivers, canals, and such other objects of public improvement as it may be thought proper to add to the constitutional enumeration of federal powers. By these operations new channels of communication will be opened between the states; the lines of separation will disappear, their interests will be identified, and their union cemented by new and indissoluble ties. Education is here placed among the articles of public care, not that it would be proposed to take its ordinary branches out of the hands of private enterprise, which manages so much better all the concerns to which it is equal; but a public institution can alone supply those sciences which though rarely called for are yet necessary to complete the circle, all the parts of which contribute to the improvement of the country and some of them to its preservation. The subject is now proposed for the consideration of Congress, because, if approved by the time the state legislatures shall have deliberated on this extension of the federal trusts, and the laws shall be passed and other arrangements made for their execution, the necessary funds will be on hand and without employment. I suppose an amendment to the constitution, by consent of the states, necessary, because the objects now recommended are not among those enumerated in the constitution, and to which it permits the public moneys to be applied..

The present consideration of a national establishment for education, particularly, is rendered proper by this circumstance also, that if Congress, approving the proposition, shall yet think it more eligible to found it on a donation of lands, they have it now in their power to endow it with those which will be among the earliest to produce the necessary income. This foundation would have the advantage of being independent on war, which may suspend other improvements by requiring for its own purposes the resources destined for them.

This, fellow-citizens, is the state of the public interest at the present moment, and according to the information now possessed. But such is the situation of the nations of Europe, and such too the predicament in which we stand with some of them, that we can not rely with certainty on the present aspect of our affairs that may change from moment to moment, during the course of your session or after you shall have separated. Our duty is, therefore, to act upon things as they are and to make a reasonable provision for whatever they may be. Were armies to be raised whenever a speck of war is visible in our horizon, we never should have been without them. Our resources would have been exhausted on dangers which have never happened, instead of being reserved for what is really to take place. A steady, perhaps a quickened pace in preparations for the defence of our seaport towns and waters; an early settlement of the most exposed and vulnerable parts of our country; a militia so organized that its effective portions can be called to any point in the Union, or volunteers instead of them to serve a sufficient time, are means which may always be ready yet never preying on our resources until actually called into use. They will maintain the public interests while a more permanent force shall be in course of preparation. But much will depend on the promptitude with which these means can be brought into activity. If war be forced upon

us in spite of our long and vain appeals to the justice of nations, rapid and vigorous movements in its outset will go far toward securing us in its course and issue, and toward throwing its burdens on those who render necessary the resort from reason to force.

The result of our negotiations, or such incidents in their course as may enable us to infer their probable issue; such further movements also on our western frontiers as may show whether war is to be pressed there while negotiation is protracted elsewhere, shall be communicated to you from time to time as they become known to me, with whatever other information I possess or may receive, which may aid your deliberations on the great national interests committed to your charge.

SPECIAL MESSAGE.

DECEMBER 3, 1806.

To the Senate and House of Representatives of the United States:—

I HAVE the satisfaction to inform you that the negotiation depending between the United States and the government of Great Britain is proceeding in a spirit of friendship and accommodation which promises a result of mutual advantage. Delays indeed have taken place, occasioned by the long illness and subsequent death of the British minister charged with that duty. But the commissioners appointed by that government to resume the negotiation have shown every disposition to hasten its progress. It is, however, a work of time, as many arrangements are necessary to place our future harmony on stable grounds. In the meantime, we find by the communications of our plenipotentiaries, that a temporary suspension of the act of the last session prohibiting certain importations would, as a mark of candid disposition on our part, and of confidence in the temper and views with which they have been met, have a happy effect on its course. A step so friendly will afford further evidence that all our proceedings have flowed from views of justice and conciliation, and that we give them willingly that form which may best meet corresponding dispositions.

Add to this, that the same motives which produced the postponement of the act till the fifteenth of November last, are in favor of its further suspension; and as we have reason to hope that it may soon yield to arrangements of mutual consent and convenience, justice seems to require that the same measure may be dealt out to the few cases which may fall within its short course, as to all others preceding and following it. I can not, therefore, but recommend the suspension of this act for a reasonable time, on considerations of justice, amity, and the public interests.

SPECIAL MESSAGE.

JANUARY 22, 1807.

To the Senate and House of Representatives of the United States:—

AGREEABLY to the request of the house of representatives, communicated in their resolution of the sixteenth instant, I proceed to state under the reserve therein expressed, information received touching an illegal combination of private individuals against the peace and safety of the Union, and a military expedition planned by them against the territories of a power in amity with the United States, with the measures I have pursued for suppressing the same.

I had for some time been in the constant expectation of receiving such further information as would have enabled me to lay before the legislature the termination as well as the beginning and progress of this scene of depravity, so far as it has been acted on the Ohio and its waters. From this the state and safety of the lower country might have been estimated on probable grounds, and the delay was indulged the rather, because no circumstance had yet made it necessary to call in the aid of the legislative functions. Information now recently communicated has brought us nearly to the period contemplated. The mass of what I have received, in the course of these transactions, is voluminous, but little has been given under the sanction of an oath, so as to constitute formal and legal evidence. It is chiefly in the form of letters, often containing such a mixture of rumors, conjectures, and suspicions, as render it difficult to sift out the real facts, and unadvisable to hazard more than general outlines, strengthened by concurrent information, or the particular credibility of the relater. In this state of the evidence, delivered sometimes too under the restriction of private confidence, neither safety nor justice will permit the exposing names, except that of the principal actor whose guilt is placed beyond question.

Some time in the latter part of September, I received intimations that designs were in agitation in the western country, unlawful and unfriendly to the peace of the Union; and that the prime mover in these was Aaron Burr, heretofore distinguished by the favor of his country. The grounds of these intimations being inconclusive, the objects uncertain, and the fidelity of that country known to be firm, the only measure taken was to urge the informants to use their best endeavors to get further insight into the designs and proceedings of the suspected persons, and to communicate them to me.

It was not until the latter part of October, that the objects of the conspiracy began to be perceived, but still so blended and involved in mystery that nothing distinct could be singled out for pursuit. In this state of uncertainty as to the crime contemplated, the acts done, and the legal course to be pursued, I thought it best to send to the scene where these things were principally in transaction, a person, in whose integrity, understanding, and discretion, entire confidence could be reposed, with instructions to investigate the plots going on, to enter into conference (for which he had sufficient credentials) with the governors and all other officers civil and military, and with their aid to do on the spot whatever should be necessary to discover the designs of the conspirators, arrest their means, bring

their persons to punishment, and to call out the force of the country to suppress any unlawful enterprise in which it should be found they were engaged. By this time it was known that many boats were under preparation, stores of provisions collecting, and an unusual number of suspicious characters in motion on the Ohio and its waters. Besides despatching the confidential agent to that quarter, orders were at the same time sent to the governors of the Orleans and Mississippi territories and to the commanders of the land and naval forces there, to be on their guard against surprise and in constant readiness to resist any enterprise which might be attempted on the vessels, posts, or other objects under their care; and on the 8th of November, instructions were forwarded to General Wilkinson to hasten an accommodation with the Spanish commander on the Sabine, and as soon as that was effected to fall back with his principal force to the hither bank of the Mississippi, for the defence of the intersecting points on that river. By a letter received from that officer on the 25th of November, but dated October 21st, we learn that a confidential agent of Aaron Burr had been deputed to him, with communications partly written in cipher and partly oral, explaining his designs, exaggerating his resources, and making such offers of emolument and command, to engage him and the army in his unlawful enterprise, as he had flattered himself would be successful. The general, with the honor of a soldier and fidelity of a good citizen, immediately despatched a trusty officer to me with information of what had passed, proceeding to establish such an understanding with the Spanish commandant on the Sabine as permitted him to withdraw his force across the Mississippi, and to enter on measures for opposing the projected enterprise.

The general's letter, which came to hand on the 25th of November, as has been mentioned, and some other information received a few days earlier, when brought together, developed Burr's general designs, different parts of which only had been revealed to different informants. It appeared that he contemplated two distinct objects, which might be carried on either jointly or separately, and either the one or the other first, as circumstances should direct. One of these was the severance of the Union of these states by the Allegany mountains; the other, an attack on Mexico. A third object was provided, merely ostensible, to wit: the settlement of a pretended purchase of a tract of country on the Washita, claimed by a Baron Bastrop. This was to serve as the pretext for all his preparations, an allurement for such followers as really wished to acquire settlements in that country, and a cover under which to retreat in the event of final discomfiture of both branches of his real design.

He found at once that the attachment of the western country to the present Union was not to be shaken; that its dissolution could not be effected with the consent of its inhabitants, and that his resources were inadequate, as yet, to effect it by force. He took his course then at once, determined to seize on New Orleans, plunder the bank there, possess himself of the military and naval stores, and proceed on his expedition to Mexico; and to this object all his means and preparations were now directed. He collected from all the quarters where himself or his agents possessed influence, all the ardent, restless, desperate, and disaffected persons who were ready for any enterprise analogous to their characters. He seduced good and well-meaning citizens, some by assurances that he possessed the confidence of the government and was acting under its secret patronage, a pretence which obtained some credit from the state of

our differences with Spain; and others by offers of land in Bastrop's claim on the Washita.

This was the state of my information of his proceedings about the last of November, at which time, therefore, it was first possible to take specific measures to meet them. The proclamation of November 27th, two days after the receipt of General Wilkinson's information, was now issued. Orders were despatched to every intersecting point on the Ohio and Mississippi, from Pittsburg to New Orleans, for the employment of such force either of the regulars or of the militia, and of such proceedings also of the civil authorities, as might enable them to seize on all the boats and stores provided for the enterprise, to arrest the persons concerned, and to suppress effectually the further progress of the enterprise. A little before the receipt of these orders in the state of Ohio, our confidential agent, who had been diligently employed in investigating the conspiracy, had acquired sufficient information to open himself to the governor of that state, and apply for the immediate exertion of the authority and power of the state to crush the combination. Governor Tiffin and the legislature, with a promptitude, an energy, and patriotic zeal, which entitle them to a distinguished place in the affection of their sister states, effected the seizure of all the boats, provisions, and other preparations within their reach, and thus gave a first blow, materially disabling the enterprise in its outset.

In Kentucky, a premature attempt to bring Burr to justice, without sufficient evidence for his conviction, had produced a popular impression in his favor and a general disbelief of his guilt. This gave him an unfortunate opportunity of hastening his equipments. The arrival of the proclamation and orders, and the application and information of our confidential agent, at length awakened the authorities of that state to the truth, and then produced the same promptitude and energy of which the neighboring state had set the example. Under an act of their legislature of December 23d, militia was instantly ordered to different important points, and measures taken for doing whatever could yet be done. Some boats (accounts vary from five to double or treble that number) and persons (differently estimated from one to three hundred) had in the meantime passed the falls of the Ohio, to rendezvous at the mouth of Cumberland, with others expected down that river.

Not apprized, till very late, that any boats were building on Cumberland, the effect of the proclamation had been trusted to for some time in the state of Tennessee; but on the 19th of December, similar communications and instructions with those of the neighboring states were despatched by express to the governor, and a general officer of the western division of the state, and on the 23d of December our confidential agent left Frankfort for Nashville, to put into activity the means of that state also. But by information received yesterday, I learn that on the 22d of December, Mr. Burr descended the Cumberland with two boats merely of accommodation, carrying with him from that state no quota toward his unlawful enterprise. Whether after the arrival of the proclamation, of the orders, or of our agent, any exertion which could be made by that state, or the orders of the governor of Kentucky for calling out the militia at the mouth of Cumberland, would be in time to arrest these boats, and those from the falls of the Ohio, is still doubtful.

On the whole, the fugitives from the Ohio, with their associates from Cumberland, or any other place in that quarter, can not threaten serious danger to the city of New Orleans.

By the same express of December nineteenth, orders were sent to the governors of New Orleans and Mississippi, supplementary to those which had been given on the twenty-fifth of November, to hold the militia of their territories in readiness to co-operate, for their defence, with the regular troops and armed vessels then under command of General Wilkinson. Great alarm, indeed, was excited at New Orleans by the exaggerated accounts of Mr. Burr, disseminated through his emissaries, of the armies and navies he was to assemble there. General Wilkinson had arrived there himself on the 24th of November, and had immediately put into activity the resources of the place for the purpose of its defence; and on the tenth of December he was joined by his troops from the Sabine. Great zeal was shown by the inhabitants generally, the merchants of the place readily agreeing to the most laudable exertions and sacrifices for manning the armed vessels with their seamen, and the other citizens manifesting unequivocal fidelity to the Union, and a spirit of determined resistance to their expected assailants.

Surmises have been hazarded that this enterprise is to receive aid from certain foreign powers. But these surmises are without proof or probability. The wisdom of the measures sanctioned by Congress at its last session has placed us in the paths of peace and justice with the only powers with whom we had any differences, and nothing has happened since which makes it either their interest or ours to pursue another course. No change of measures has taken place on our part; none ought to take place at this time. With the one, friendly arrangement was then proposed, and the law deemed necessary on the failure of that was suspended to give time for a fair trial of the issue. With the same power, negotiation is still preferred, and provisional measures only are necessary to meet the event of rupture. While, therefore, we do not deflect in the slightest degree from the course we then assumed, and are still pursuing, with mutual consent, to restore a good understanding, we are not to impute to them practices as irreconcilable to interest as to good faith, and changing necessarily the relations of peace and justice between us to those of war. These surmises are, therefore, to be imputed to the vauntings of the author of this enterprise, to multiply his partisans by magnifying the belief of his prospects and support.

By letters from General Wilkinson, of the 14th and 18th of September, which came to hand two days after date of the resolution of the house of representatives, that is to say, on the morning of the 18th instant, I received the important affidavit, a copy of which I now communicate, with extracts of so much of the letters as come within the scope of the resolution. By these it will be seen that of three of the principal emissaries of Mr. Burr, whom the general had caused to be apprehended, one had been liberated by habeas corpus, and the two others, being those particularly employed in the endeavor to corrupt the general and army of the United States, have been embarked by him for our ports in the Atlantic states, probably on the consideration that an impartial trial could not be expected during the present agitations of New Orleans, and that that city was not as yet a safe place of confinement. As soon as these persons shall arrive, they will be delivered to the custody of the law, and left to such course of trial, both as to place and process, as its functionaries may direct. The presence of the highest judicial authorities, to be assembled at this place within a few days, the means of pursuing a sounder course of proceedings here than elsewhere, and the aid of the executive means, should the judges

have occasion to use them, render it equally desirable for the criminals as for the public, that being already removed from the place where they were first apprehended, the first regular arrest should take place here, and the course of proceedings receive here its proper direction.

SPECIAL MESSAGE.

JANUARY 28, 1807.

To the Senate and House of Representatives of the United States:—

BY the letters of Captain Bissel, who commands at Fort Massac, and of Mr. Murrell, to General Jackson, of Tennessee, copies of which are now communicated to Congress, it will be seen that Aaron Burr passed Fort Massac on the 31st of December, with about ten boats, navigated by about six hands each, without any military appearance, and that three boats with ammunition were said to have been arrested by the militia at Louisville.

As the guards of militia posted on various points on the Ohio will be able to prevent any further aids passing through that channel, should any be attempted, we may now estimate, with tolerable certainty, the means derived from the Ohio and its waters, toward the accomplishment of the purposes of Mr. Burr.

SPECIAL MESSAGE.

JANUARY 31, 1807.

To the Senate and House of Representatives of the United States.—

IN execution of the act of the last session of Congress, entitled, "An act to regulate the laying out and making a road from Cumberland, in the state of Maryland, to the state of Ohio," I appointed Thomas Moore, of Maryland, Joseph Kerr, of Ohio, and Eli Williams, of Maryland, commissioners to lay out the said road, and to perform the other duties assigned to them by the act. The progress which they made in the execution of the work, during the last season, will appear in their report, now communicated to Congress. On the receipt of it, I took measures to obtain consent for making the road, of the states of Pennsylvania, Maryland, and Virginia, through which the commissioners proposed to lay it out. I have received acts of the legislatures of Maryland and Virginia, giving the consent desired; that of Pennsylvania has the subject still under consideration, as is supposed. Until I receive full consent to a free choice of route through the whole distance, I have thought it safest neither to accept, nor reject, finally, the partial report of the commissioners. Some matters suggested in the report belong exclusively to the legislature.

SPECIAL MESSAGE.

FEBRUARY 10, 1807.

To the Senate and House of Representatives of the United States :—

IN compliance with the request of the house of representatives, expressed in their resolution of the 5th instant, I proceed to give such information as is possessed, of the effect of gun-boats in the protection and defence of harbors, of the numbers thought necessary, and of the proposed distribution of them among the ports and harbors of the United States.

Under present circumstances, and governed by the intentions of the legislature, as manifested by their annual appropriations of money for the purposes of defence, it has been concluded to combine—1st, land batteries, furnished with heavy cannon and mortars, and established on all the points around the place favorable for preventing vessels from lying before it; 2d, moveable artillery which may be carried, as an occasion may require, to points unprovided with fixed batteries; 3d, floating batteries; and 4th, gun-boats, which may oppose an enemy at its entrance and co-operate with the batteries for his expulsion.

On this subject professional men were consulted as far as we had opportunity. General Wilkinson, and the late General Gates, gave their opinions in writing, in favor of the system, as will be seen by their letters now communicated. The higher officers of the navy gave the same opinions, in separate conferences, as their presence at the seat of government offered occasions of consulting them, and no difference of judgment appeared on the subject. Those of Commodore Barron and Captain Tingey, now here, are recently furnished in writing, and transmitted herewith to the legislature.

The efficacy of gun-boats for the defence of harbors, and of other smooth and enclosed waters, may be estimated in part from that of galleys, formerly much used but less powerful, more costly in their construction and maintenance, and requiring more men. But the gun-boat itself is believed to be in use with every modern maritime nation for the purpose of defence. In the Mediterranean, on which are several small powers, whose system like ours is peace and defence, few harbors are without this article of protection. Our own experience there of the effect of gun-boats for harbor service, is recent. Algiers is particularly known to have owed to a great provision of these vessels the safety of its city, since the epoch of their construction. Before that it had been repeatedly insulted and injured. The effect of gun-boats at present in the neighborhood of Gibraltar, is well known, and how much they were used both in the attack and defence of that place during a former war. The extensive resort to them by the two greatest naval powers in the world, on an enterprise of invasion not long since in prospect, shows their confidence in their efficacy for the purposes for which they are suited. By the northern powers of Europe, whose seas are particularly adapted to them, they are still more used. The remarkable action between the Russian flotilla of gun-boats and galleys, and a Turkish fleet of ships-of-the-line and frigates, in the Liman sea, 1788, will be readily recollected. The latter, commanded by their most celebrated admiral, were completely defeated, and several of their ships-of-the-line destroyed.

From the opinions given as to the number of gun-boats necessary for

some of the principal seaports, and from a view of all the towns and ports from Orleans to Maine inclusive, entitled to protection, in proportion to their situation and circumstances, it is concluded, that to give them a due measure of protection in time of war, about two hundred gun-boats will be requisite. According to first ideas, the following would be their general distribution, liable to be varied on more mature examination, and as circumstances shall vary, that is to say :—

To the Mississippi and its neighboring waters, forty gun-boats.

To Savannah and Charleston, and the harbors on each side, from St. Mary's to Currituck, twenty-five.

To the Chesapeake and its waters, twenty.

To Delaware bay and river, fifteen.

To New York, the Sound, and waters as far as Cape Cod, fifty.

To Boston and the harbors north of Cape Cod, fifty.

The flotillas assigned to these several stations might each be under the care of a particular commandant, and the vessels composing them would, in ordinary, be distributed among the harbors within the station in proportion to their importance.

Of these boats a proper proportion would be of the larger size, such as those heretofore built, capable of navigating any seas, and of reinforcing occasionally the strength of even the most distant port when menaced with danger. The residue would be confined to their own or the neighboring harbors, would be smaller, less furnished for accommodation, and consequently less costly. Of the number supposed necessary, seventy-three are built or building, and the hundred and twenty-seven still to be provided would cost from five to six hundred thousand dollars. Having regard to the convenience of the treasury, as well as to the resources for building, it has been thought that one half of these might be built in the present year, and the other half the next. With the legislature, however, it will rest to stop where we are, or at any further point, when they shall be of opinion that the number provided shall be sufficient for the object.

At times when Europe as well as the United States shall be at peace, it would not be proposed that more than six or eight of these vessels should be kept afloat. When Europe is in war, treble that number might be necessary to be distributed among those particular harbors which foreign vessels-of-war are in the habit of frequenting, for the purpose of preserving order therein. But they would be manned, in ordinary, with only their complement for navigation, relying on the seamen and militia of the port if called into action on any sudden emergency. It would be only when the United States should themselves be at war, that the whole number would be brought into actual service, and would be ready in the first moments of the war to co-operate with other means for covering at once the line of our seaports. At all times, those unemployed would be withdrawn into places not exposed to sudden enterprise, hauled up under sheds from the sun and weather, and kept in preservation with little expense for repairs or maintenance.

It must be superfluous to observe, that this species of naval armament is proposed merely for defensive operation ; that it can have but little effect toward protecting our commerce in the open seas, even on our coast ; and still less can it become an excitement to engage in offensive maritime war, toward which it would furnish no means.

SEVENTH ANNUAL MESSAGE.

October 27, 1807.

To the Senate and House of Representatives of the United States:—

Circumstances, fellow-citizens, which seriously threatened the peace of our country, have made it a duty to convene you at an earlier period than usual. The love of peace so much cherished in the bosoms of our citizens, which has so long guided the proceedings of the public councils, and induced forbearance under so many wrongs, may not insure our continuance in the quiet pursuits of industry. The many injuries and depredations committed on our commerce and navigation upon the high seas for years past, the successive innovations on those principles of public law which have been established by the reason and usage of nations as the rule of their intercourse, and the umpire and security of their rights and peace, and all the circumstances which induced the extraordinary mission to London, are already known to you. The instructions given to our ministers were framed in the sincerest spirit of amity and moderation. They accordingly proceeded, in conformity therewith, to propose arrangements which might embrace and settle all the points in difference between us, which might bring us to a mutual understanding on our neutral and national rights, and provide for a commercial intercourse on conditions of some equality. After long and fruitless endeavors to effect the purposes of their mission, and to obtain arrangements within the limits of their instructions, they concluded to sign such as could be obtained, and to send them for consideration, candidly declaring to the other negotiators, at the same time, that they were acting against their instructions, and that their government therefore could not be pledged for ratification. Some of the articles proposed might have been admitted on a principle of compromise, but others were too highly disadvantageous, and no sufficient provision was made against the principal source of the irritations and collisions which were constantly endangering the peace of the two nations. The question, therefore, whether a treaty should be accepted in that form could have admitted but of one decision, even had no declarations of the other party impaired our confidence in it. Still anxious not to close the door against friendly adjustment, new modifications were framed and further concessions authorized, than could before have been supposed necessary, and our ministers were instructed to resume their negotiations on these grounds. On this new reference to amicable discussion we were repo sing in confidence, when on the 22d day of June last, by a formal order from the British admiral, the frigate Chesapeake, leaving her port for distant service, was attacked by one of those vessels which had been lying in our harbors under the indulgences of hospitality, was disabled from proceeding, had several of her crew killed, and four taken away. On this outrage no commentaries are necessary. Its character has been pronounced by the indignant voice of our citizens with an emphasis and unanimity never exceeded. I immediately, by proclamation, interdicted our harbors and waters to all British armed vessels, forbade intercourse with them, and uncertain how far hostilities were intended, and the town of Norfolk indeed being threatened with immediate attack, a sufficient force was ordered for the protection of that place and such other preparations commenced and pursued as the prospect rendered proper. An armed vessel of the

United States was despatched with instructions to our ministers at London to call on that government for the satisfaction and security required by the outrage. A very short interval ought now to bring the answer, which shall be communicated to you as soon as received; then also, or as soon after as the public interests shall be found to admit, the unratified treaty and proceedings relative to it, shall be made known to you.

The aggression thus begun has been continued on the part of the British commanders, by remaining within our waters, in defiance of the authority of the country, by habitual violations of its jurisdiction, and at length by putting to death one of the persons whom they had forcibly taken from on board the Chesapeake. These aggravations necessarily lead to the policy, either of never admitting an armed vessel into our harbors, or of maintaining in every harbor such an armed force as may constrain obedience to the laws, and protect the lives and property of our citizens, against their armed guests. But the expense of such a standing force, and its inconsistence with our principles, dispense with those courtesies which would necessarily call for it, and leave us equally free to exclude the navy, as we are the army, of a foreign power, from entering our limits.

To former violations of maritime rights, another is now added of very extensive effect. The government of that nation has issued an order interdicting all trade by neutrals between ports not in amity with them; and being now at war with nearly every nation on the Atlantic and Mediterranean seas, our vessels are required to sacrifice their cargoes at the first port they touch, or to return home without the benefit of going to any other market. Under this new law of the ocean, our trade on the Mediterranean has been swept away by seizures and condemnations, and that in other seas is threatened with the same fate.

Our differences with Spain remain still unsettled; no measure having been taken on her part, since my last communication to Congress, to bring them to a close. But under a state of things which may favor a reconsideration, they have been recently pressed, and an expectation is entertained that they may now soon be brought to an issue of some sort. With their subjects on our borders, no new collisions have taken place nor seem immediately to be apprehended. To our former grounds of complaint has been added a very serious one, as you will see by the decree, a copy of which is now communicated. Whether this decree, which professes to be conformable to that of the French government of November 21st, 1806, heretofore communicated to Congress, will also the conformed to that in its construction and application in relation to the United States, had not been ascertained at the date of our last communications. These, however, gave reason to expect such a conformity.

With the other nations of Europe our harmony has been uninterrupted, and commerce and friendly intercourse have been maintained on their usual footing.

Our peace with the several states on the coast of Barbary appears as firm as at any former period, and is as likely to continue as that of any other nation.

Among our Indian neighbors in the northwestern quarter, some fermentation was observed soon after the late occurrences, threatening the continuance of our peace. Messages were said to be interchanged, and tokens to be passing, which usually denote a state of restlessness among them, and the character of the agitators pointed to the sources of excitement. Measures were immediately taken for providing against that

danger; instructions were given to require explanations, and with assurances of our continued friendship, to admonish the tribes to remain quiet at home, taking no part in quarrels not belonging to them. As far as we are yet informed, the tribes in our vicinity, who are most advanced in the pursuits of industry, are sincerely disposed to adhere to their friendship with us, and to their peace with all others; while those more remote do not present appearances sufficiently quiet to justify the intermission of military precaution on our part.

The great tribes on our southwestern quarter, much advanced beyond the others in agriculture and household arts, appear tranquil, and identifying their views with ours, in proportion to their advancement. With the whole of these people, in every quarter, I shall continue to inculcate peace and friendship with all their neighbors, and perseverance in those occupations and pursuits which will best promote their own well-being.

The appropriations of the last session, for the defence of our seaport towns and harbors, were made under expectation that a continuance of our peace would permit us to proceed in that work according to our convenience. It has been thought better to apply the sums then given, toward the defence of New York, Charleston, and New Orleans chiefly, as most open and most likely first to need protection; and to leave places less immediately in danger to the provisions of the present session.

The gun-boats, too, already provided, have on a like principle been chiefly assigned to New York, New Orleans, and the Chesapeake. Whether our moveable force on the water, so material in aid of the defensive works on the land, should be augmented in this or any other form, is left to the wisdom of the legislature. For the purpose of manning these vessels in sudden attacks on our harbors, it is a matter for consideration, whether the seamen of the United States may not justly be formed into a special militia, to be called on for tours of duty in defence of the harbors where they shall happen to be; the ordinary militia of the place furnishing that portion which may consist of landsmen.

The moment our peace was threatened, I deemed it indispensable to secure a greater provision of those articles of military stores with which our magazines were not sufficiently furnished. To have awaited a previous and special sanction by law would have lost occasions which might not be retrieved. I did not hesitate, therefore, to authorize engagements for such supplements to our existing stock as would render it adequate to the emergencies threatening us; and I trust that the legislature, feeling the same anxiety for the safety of our country, so materially advanced by this precaution, will approve, when done, what they would have seen so important to be done if then assembled. Expenses, also unprovided for, arose out of the necessity of calling all our gun-boats into actual service for the defence of our harbors; of all which accounts will be laid before you.

Whether a regular army is to be raised, and to what extent, must depend on the information so shortly expected. In the meantime, I have called on the states for quotas of militia, to be in readiness for present defence; and have, moreover, encouraged the acceptance of volunteers; and I am happy to inform you that these have offered themselves with great alacrity in every part of the Union. They are ordered to be organized, and ready at a moment's warning to proceed on any service to which they may be called, and every preparation within the executive powers has been made to insure us the benefit of early exertions.

I informed Congress at their last session of the enterprises against the public peace, which were believed to be in preparation by Aaron Burr and his associates, of the measures taken to defeat them, and to bring the offenders to justice. Their enterprises were happily defeated by the patriotic exertions of the militia wherever called into action, by the fidelity of the army, and energy of the commander-in-chief in promptly arranging the difficulties presenting themselves on the Sabine, repairing to meet those arising on the Mississippi, and dissipating, before their explosion, plots engendering there. I shall think it my duty to lay before you the proceedings and the evidence publicly exhibited on the arraignment of the principal offenders before the circuit court of Virginia. You will be enabled to judge whether the defect was in the testimony, in the law, or in the administration of the law; and wherever it shall be found, the legislature alone can apply or originate the remedy. The framers of our constitution certainly supposed they had guarded, as well their government against destruction by treason, as their citizens against oppression, under pretence of it, and if these ends are not attained, it is of importance to inquire by what means, more effectual, they may be secured.

The accounts of the receipts of revenue, during the year ending on the thirtieth day of September last, being not yet made up, a correct statement will be hereafter transmitted from the treasury. In the meantime, it is ascertained that the receipts have amounted to near sixteen millions of dollars, which, with the five millions and a half in the treasury at the beginning of the year, have enabled us, after meeting the current demands and interest incurred, to pay more than four millions of the principal of our funded debt. These payments, with those of the preceding five and a half years, have extinguished of the funded debt twenty-five millions and a half of dollars, being the whole which could be paid or purchased within the limits of the law and of our contracts, and have left us in the treasury eight millions and a half of dollars. A portion of this sum may be considered as a commencement of accumulation of the surpluses of revenue, which, after paying the instalments of debts as they shall become payable, will remain without any specific object. It may partly, indeed, be applied toward completing the defence of the exposed points of our country, on such a scale as shall be adapted to our principles and circumstances. This object is doubtless among the first entitled to attention; in such a state of our finances, and it is one which, whether we have peace or war, will provide security where it is due. Whether what shall remain of this, with the future surpluses, may be usefully applied to purposes already authorized, or more usefully to others requiring new authorities, or how otherwise they shall be disposed of, are questions calling for the notice of Congress, unless indeed they shall be superseded by a change in our public relations now awaiting the determination of others. Whatever be that determination, it is a great consolation that it will become known at a moment when the supreme council of the nation is assembled at its post, and ready to give the aids of its wisdom and authority to whatever course the good of our country shall then call us to pursue.

Matters of minor importance will be the subjects of future communications; and nothing shall be wanting on my part which may give information or despatch to the proceedings of the legislature in the exercise of their high duties, and at a moment so interesting to the public welfare.

SPECIAL MESSAGE.

NOVEMBER 23, 1807.

To the Senate and House of Representatives of the United States:—

AGREEABLY to the assurance in my message at the opening of the present session of Congress, I now lay before you a copy of the proceedings, and of the evidence exhibited on the arraignment of Aaron Burr, and others, before the circuit court of the United States, held in Virginia, in the course of the present year, in as authentic form as their several parts have admitted.

SPECIAL MESSAGE.

DECEMBER 18, 1807.

To the Senate and House of Representatives of the United States:—

THE communications now made, showing the great and increasing dangers with which our vessels, our seamen, and merchandise, are threatened on the high seas and elsewhere, from the belligerent powers of Europe, and it being of great importance to keep in safety these essential resources, I deem it my duty to recommend the subject to the consideration of Congress, who will doubtless perceive all the advantages which may be expected from an inhibition of the departure of our vessels from the ports of the United States.

Their wisdom will also see the necessity of making every preparation for whatever events may grow out of the present crisis.

SPECIAL MESSAGE.

JANUARY 20, 1808.

To the House of Representatives of the United States:—

SOME days previous to your resolutions of the 13th instant, a court of inquiry had been instituted at the request of General Wilkinson, charged to make the inquiry into his conduct which the first resolution desires, and had commenced their proceedings. To the judge-advocate of that court the papers and information on that subject, transmitted to me by the house of representatives, have been delivered, to be used according to the rules and powers of that court.

The request of a communication of any information, which may have been received at any time since the establishment of the present government, touching combinations with foreign nations for dismembering the Union, or the corrupt receipt of money by any officer of the United States from the agents of foreign governments, can be complied with but in a partial degree.

It is well understood that, in the first or second year of the presidency of General Washington, information was given to him relating to certain combinations with the agents of a foreign government for the dismemberment of the Union; which combinations had taken place before the establishment of the present federal government. This information, however, is believed never to have been deposited in any public office, or left in that of the president's secretary; these having been duly examined, but to have been considered as personally confidential, and, therefore, retained among his private papers. A communication from the governor of Virginia to General Washington, is found in the office of the president's secretary, which, although not strictly within the terms of the request of the house of representatives, is communicated, inasmuch as it may throw some light on the subjects of the correspondence of that time, between certain foreign agents and citizens of the United States.

In the first or second year of the administration of President Adams, Andrew Ellicott, then employed in designating, in conjunction with the Spanish authorities, the boundaries between the territories of the United States and Spain, under the treaty with that nation, communicated to the executive of the United States papers and information respecting the subjects of the present inquiry, which were deposited in the office of state. Copies of these are now transmitted to the house of representatives, except of a single letter and a reference from the said Andrew Ellicott, which being expressly desired to be kept secret, is, therefore, not communicated, but its contents can be obtained from himself in a more legal form, and directions have been given to summon him to appear as a witness before the court of inquiry.

A paper "on the commerce of Louisiana," bearing date of the 18th of April, 1798, is found in the office of state, supposed to have been communicated by Mr. Daniel Clark, of New Orleans, then a subject of Spain, and now of the house of representatives of the United States, stating certain commercial transactions of General Wilkinson, in New Orleans; an extract from this is now communicated, because it contains facts which may have some bearing on the questions relating to him.

The destruction of the war-office, by fire, in the close of 1800, involved all information it contained at that date.

The papers already described, therefore, constitute the whole information on the subjects, deposited in the public offices, during the preceding administrations, as far as has yet been found; but it can not be affirmed that there may be no others, because, the papers of the office being filed, for the most part, alphabetically, unless aided by the suggestion of any particular name which may have given such information, nothing short of a careful examination of the papers in the offices generally, could authorize such affirmation.

About a twelvemonth after I came to the administration of the government, Mr. Clark gave some verbal information to myself, as well as to the secretary of state, relating to the same combinations for the dismemberment of the Union. He was listened to freely, and he then delivered the letter of Governor Gagoso, addressed to himself, of which a copy is now communicated. After his return to New Orleans, he forwarded to the secretary of state other papers, with a request that, after perusal, they should be burned. This, however, was not done, and he was so informed by the secretary of state, and that they would be held subject to his order. These papers have not yet been found in the office. A letter, therefore,

has been addressed to the former chief clerk, who may, perhaps, give information respecting them. As far as our memories enables us to say, they related only to the combinations before spoken of, and not at all to the corrupt receipt of money by any officer of the United States; consequently, they respected what was considered as a dead matter, known to the preceding administrations, and offering nothing new to call for investigations, which those nearest the dates of the transactions had not thought proper to institute.

In the course of the communications made to me on the subject of the conspiracy of Aaron Burr, I sometimes received letters, some of them anonymous, some under names true or false, expressing suspicions and insinuations against General Wilkinson. But one only of them, and that anonymous, specified any particular fact, and that fact was one of those which had already been communicated to a former administration.

No other information within the purview of the request of the house is known to have been received by any department of the government from the establishment of the present federal government. That which has recently been communicated to the house of representatives, and by them to me, is the first direct testimony ever made known to me, charging General Wilkinson with the corrupt receipt of money; and the house of representatives may be assured that the duties which this information devolves on me shall be exercised with rigorous impartiality. Should any want of power in the court to compel the rendering of testimony, obstruct that full and impartial inquiry, which alone can establish guilt or innocence, and satisfy justice, the legislative authority only will be competent to the remedy.

SPECIAL MESSAGE.

JANUARY 30, 1808.

To the Senate and House of Representatives of the United States:—

THE Choctaws being indebted to their merchants beyond what could be discharged by the ordinary proceeds of their huntings, and pressed for payment, proposed to the United States to cede lands to the amount of their debts, and designated them in two different portions of their country. These designations not at all suiting us, were declined. Still, urged by their creditors, as well as their own desire to be liberated from debt, they at length proposed to make a cession which should be to our convenience. By a treaty signed at Pooshapakonuk, on the 16th November, 1805, they accordingly ceded all their lands south of a line to be run from their and our boundary at the Omochita, eastwardly to their boundary with the Creeks on the ridge between the Tombigbee and Alabama, as is more particularly described in the treaty, containing about five millions of acres, as is supposed, and uniting our possessions there from Adams to Washington county.

The location contemplated in the instructions to the commissioners was on the Mississippi. That in the treaty being entirely different, I was, at that time, disinclined to its ratification, and have suffered it to be unacted on. But progressive difficulties in our foreign relations have brought into

view considerations others than those which then prevailed. It is perhaps now as interesting to obtain footing for a strong settlement of militia along our southern frontier, eastward of the Mississippi, as on the west of that river, and more so than higher up the river itself. The consolidation of the Mississippi territory, and the establishment of a barrier of separation between the Indians and our southern neighbors, are also important objects; and the Choctaws and their creditors being still anxious that the sale should be made, I submitted the treaty to the senate, who have advised and consented to its ratification. I, therefore, now lay it before both houses of Congress for the exercise of their constitutional powers as to the means of fulfilling it.

SPECIAL MESSAGE.

JANUARY 30, 1808.

To the Senate and House of Representatives of the United States:—

THE posts of Detroit and Mackinac, having been originally intended by the governments which established and held them, as mere depots for the commerce with the Indians, very small cessions of land around were obtained or asked from the native proprietors, and these posts depended for protection on the strength of their garrisons. The principle of our government leading us to the employment of such moderate garrisons in time of peace, as may merely take care of the post, and to a reliance on the neighboring militia for its support in the first moments of war, I have thought it would be important to obtain from the Indians such a cession of the neighborhood of these posts as might maintain a militia proportioned to this object; and I have particularly contemplated, with this view, the acquisition of the eastern moiety of the peninsula between the lakes Huron, Michigan, and Erie, extending it to the Connecticut reserve, so soon as it could be effected with the perfect good will of the natives.

By a treaty concluded at Detroit, on the 17th of November last, with the Ottawas, Chippewas, Wyandots, and Pottawatomies, so much of this country has been obtained as extends from about Saguina bay southwardly to the Miami of the lakes, supposed to contain upward of five millions of acres, with a prospect of obtaining, for the present, a breadth of two miles for a communication from the Miami to the Connecticut reserve.

The senate having advised and consented to the ratification of this treaty, I now lay it before both houses of Congress for the exercise of their constitutional powers as to the means of fulfilling it.

SPECIAL MESSAGE.

FEBRUARY 2, 1808.

To the Senate and House of Representatives of the United States:—

HAVING received an official communication of certain orders of the British government against the maritime rights of neutrals, bearing date of

the 11th of November, 1807, I transmitted to Congress, as a further proof of the increasing dangers to our navigation and commerce which led to the provident measures of the act of the present session, laying an embargo on our own vessels.

SPECIAL MESSAGE.

FEBRUARY 4, 1808.

To the House of Representatives of the United States :—

IN my message, January 20th, I stated that some papers forwarded by Mr. Daniel Clark, of New Orleans, to the secretary of state, in 1803, had not then been found in the office of state; and that a letter had been addressed to the former chief clerk, in the hope that he might advise where they should be sought for. By indications received from him they are now found. Among them are two letters from the Baron de Carondelet to an officer serving under him at a separate post, in which his views of a dismemberment of our Union are expressed. Extracts of so much of these letters as are within the scope of the resolutions of the house, are now communicated. With these were found the letters from Mr. Clark, to the secretary of state, in 1803. A part of one only of these relates to this subject, and is extracted and enclosed for the information of the house. In no part of the papers communicated by Mr. Clark, which are voluminous, and in different languages, nor in his letters, have we found any intimation of the corrupt receipt of money by any officer of the United States, from any foreign agent. As to the combinations with foreign agents for the dismemberment of the Union, these papers and letters offer nothing which was not probably known to my predecessors, or which could call anew for inquiries, which they had not thought necessary to institute, when the facts were recent and could be better proved. They probably believed it best to let pass into oblivion transactions, which, however culpable, had commenced before this government existed, and had been finally extinguished by the treaty of 1795.

SPECIAL MESSAGE.

FEBRUARY 9, 1808.

To the Senate and House of Representatives of the United States :—

I COMMUNICATE to Congress for their information, a letter from the person acting in the absence of our consul at Naples, giving reason to believe, on the affidavit of a Captain Sheffield of the American schooner Mary Ann, that the dey of Algiers had commenced war against the United States. For this no just cause has been given on our part within my knowledge. We may daily expect more authentic and particular information on the subject from Mr. Lear, who was residing as our consul at Algiers.

SPECIAL MESSAGE.

FEBRUARY 15, 1808.

To the Senate and House of Representatives of the United States:—

I COMMUNICATE for the information of Congress a letter from the consul of the United States at Malaga, to the secretary of state, covering one from Mr. Lear, our consul at Algiers, which gives information, that the rupture threatened on the part of the dey of Algiers has been amicably settled, and the vessels seized by him are liberated.

SPECIAL MESSAGE

FEBRUARY 19, 1808.

To the Senate and House of Representatives of the United States:—

THE states of Pennsylvania, Maryland, and Virginia, having, by their several acts, consented that the road from Cumberland to the state of Ohio, authorized by the act of Congress of the 29th March, 1806, should pass through those states, and the report of the commissioners communicated to Congress with my message of the 31st January, 1807, having been duly considered, I have approved of the route therein proposed for the said road, as far as Brownsville, with a single deviation since located, which carries it through Uniontown.

From thence the course to the Ohio, and the point within the legal limits at which it shall strike that river, is still to be decided. In forming this decision, I shall pay material regard to the interests and wishes of the populous part of the state of Ohio, and to a future and convenient connexion with the road which is to lead from the Indian boundary near Cincinnati, by Vincennes to the Mississippi, at St. Louis, under authority of the act, 21st April, 1806. In this way we may accomplish a continued and advantageous line of communication from the seat of the general government to St. Louis, passing through several very interesting points of the western country.

I have thought it advisable also to secure from obliteration the trace of the road so far as it has been approved, which has been executed at such considerable expense, by opening one half of its breadth through its whole length.

The report of the commissioners, herewith transmitted, will give particular information of their proceedings, under the act of the 29th March, 1806, since the date of my message of the 31st January, 1807, and will enable Congress to adopt such further measures relative thereto, as they may deem proper under existing circumstances.

SPECIAL MESSAGE.

FEBRUARY 25, 1808.

To the Senate and House of Representatives of the United States:—

THE dangers to our country, arising from the contests of other nations and the urgency of making preparation for whatever events might affect our relations with them, have been intimated in preceding messages to Congress. To secure ourselves by due precautions, an augmentation of our military force, as well regular as of volunteer militia, seems to be expedient. The precise extent of that augmentation can not as yet be satisfactorily suggested, but that no time may be lost, and especially at a season deemed favorable to the object, I submit to the wisdom of the legislature whether they will authorize a commencement of this precautionary work by a present provision for raising and organizing some additional force; reserving to themselves to decide its ultimate extent on such views of our situation as I may be enabled to present at a future day of the session.

If an increase of force be now approved, I submit to their consideration the outlines of a plan proposed in the enclosed letter from the secretary of war.

I recommend, also, to the attention of Congress, the term at which the act of April 18th, 1806, concerning the militia, will expire, and the effect of that expiration.

SPECIAL MESSAGE.

MARCH 7, 1808.

To the Senate and House of Representatives of the United States:—

IN the city of New Orleans, and adjacent to it, are sundry parcels of ground, some of them with buildings and other improvements on them, which it is my duty to present to the attention of the legislature. The title to those grounds appear to have been retained in the former sovereigns of the province of Louisiana, as public fiduciaries, and for the purposes of the province. Some of them were used for the residence of the governor, for public offices, hospitals, barracks, magazines, fortifications, levees, &c., others for the townhouse, schools, markets, landings, and other purposes of the city of New Orleans; some were held by religious corporations or persons; others seem to have been reserved for future disposition. To those must be added a parcel called the Batture, which requires more particular description. It is understood to have been a shoal or elevation of the bottom of the river, adjacent to the bank of the suburbs of St. Mary, produced by the successive depositions of mud during the annual inundations of the river, and covered with water only during those inundations. At all other seasons it has been used by the city, immemorially to furnish earth for raising their streets and courtyards, for mortar, and other necessary purposes, and as a landing or quay for unlading firewood, lumber, and other articles, brought by water. This having been lately claimed by a private individual, the city opposed the claim on a supposed legal title

in itself; but it has been adjudged that the legal title was not in the city. It is, however, alleged, that that title, originally in the former sovereigns, was never parted with by them, but was retained in them for the uses of the city and province, and consequently has now passed over to the United States. Until this question can be decided under legislative authority, measures have been taken, according to law, to prevent any change in the state of things, and to keep the grounds clear of intruders. The settlement of this title, the appropriations of the grounds and improvements formerly occupied for provincial purposes to the same or such other objects as may be better suited to present circumstances; the confirmation of the uses in other parcels to such bodies, corporate or private, as may of right, or on other reasonable considerations, expect them, are matters now submitted to the legislature.

The papers and plans now transmitted, will give them such information on the subject as I possess, and being mostly originals, I must request that they may be communicated from the one to the other house to answer the purposes of both.

SPECIAL MESSAGE.

MARCH 17, 1808.

To the Senate and House of Representatives of the United States:—

I HAVE heretofore communicated to Congress the decrees of the government of France, of November 21st, 1806, and of Spain, February 19th, 1807, with the orders of the British government, of January and November, 1807.

I now transmit a decree of the emperor of France, of December 17th, 1807, and a similar decree of the 3d January last, by his catholic majesty. Although the decree of France has not been received by official communication, yet the different channels of promulgation through which the public are possessed of it, with the formal testimony furnished by the government of Spain, in their decree, leave us without a doubt that such a one has been issued. These decrees and orders, taken together, want little of amounting to a declaration that every neutral vessel found on the high seas, whatsoever be her cargo, and whatsoever foreign port be that of her departure or destination, shall be deemed lawful prize; and they prove, more and more, the expediency of retaining our vessels, our seamen, and property, within our own harbors, until the dangers to which they are exposed can be removed or lessened.

SPECIAL MESSAGE.

MARCH 18, 1808.

To the Senate and House of Representatives of the United States:—

THE scale on which the military academy at West Point, was originally established, is become too limited to furnish the number of well-instructed

subjects in the different branches of artillery and engineering which the public service calls for. The want of such characters is already sensibly felt, and will be increased with the enlargement of our plans of military preparation. The chief engineer having been instructed to consider the subject, and to propose an augmentation which might render the establishment commensurate with the present circumstances of our country, has made the report I now transmit for the consideration of Congress.

The idea suggested by him of removing the institution to this place, is also worthy of attention. Beside the advantage of placing it under the immediate eye of the government, it may render its benefits common to the naval department, and will furnish opportunities of selecting on better information, the characters most qualified to fulfil the duties which the public service may call for.

SPECIAL MESSAGE.

MARCH 22, 1808.

To the Senate and House of Representatives of the United States:—

AT the opening of the present session I informed the legislature that the measures which had been taken with the government of Great Britain for the settlement of our neutral and national rights, and of the conditions of commercial intercourse with that nation, had resulted in articles of a treaty which could not be acceded to on our part; that instructions had consequently been sent to our ministers there to resume the negotiations, and to endeavor to obtain certain alterations; and that this was interrupted by the transaction which took place between the frigates Leopard and Chesapeake. The call on that government for reparation of this wrong produced as Congress have already been informed, the mission of a special minister to this country, and the occasion is now arrived when the public interest permits and requires that the whole of these proceedings should be made known to you.

I therefore now communicate the instructions given to our minister resident at London, and his communications to that government on the subject of the Chesapeake, with the correspondence which has taken place here between the secretary of state and Mr. Rose, the special minister charged with the adjustment of that difference; the instructions to our ministers for the formation of a treaty; their correspondence with the British commissioners and with their own government on that subject; the treaty itself, and written declaration of the British commissioners accompanying it, and the instructions given by us for resuming the negotiations, with the proceedings and correspondence subsequent thereto. To these I have added a letter lately addressed to the secretary of state from one of our late ministers, which, though not strictly written in an official character, I think it my duty to communicate, in order that his views of the proposed treaty and its several articles may be fairly presented and understood.

Although I have heretofore and from time to time made such communications to Congress as to keep them possessed of a general and just view of the proceedings and dispositions of the government of France toward this country, yet, in our present critical situation, when we find no con-

duct on our part, however impartial and friendly, has been sufficient to insure from either belligerent a just respect for our rights, I am desirous that nothing shall be omitted on my part which may add to your information on this subject, or contribute to the correctness of the views which should be formed. The papers which for these reasons I now lay before you embrace all the communications, official or verbal, from the French government, respecting the general relations between the two countries which have been transmitted through our minister there, or through any other accredited channel, since the last session of Congress, to which time all information of the same kind had from time to time been given them. Some of these papers have already been submitted to Congress; but it is thought better to offer them again, in order that the chain of communications, of which they make a part, may be presented unbroken.

When, on the 26th of February, I communicated to both houses the letter of General Armstrong to M. Champagny, I desired it might not be published, because of the tendency of that practice to restrain injuriously the freedom of our foreign correspondence. But perceiving that this caution, proceeding purely from a regard for the public good, has furnished occasion for disseminating unfounded suspicions and insinuations, I am induced to believe that the good which will now result from its publication, by confirming the confidence and union of our fellow-citizens, will more than countervail the ordinary objection to such publications. It is my wish, therefore, that it may be now published.

EIGHTH ANNUAL MESSAGE.

NOVEMBER 8, 1808.

To the Senate and House of Representatives of the United States:—

IT would have been a source, fellow-citizens, of much gratification, if our last communications from Europe had enabled me to inform you that the belligerent nations, whose disregard of neutral rights has been so destructive to our commerce, had become awakened to the duty and true policy of revoking their unrighteous edicts. That no means might be omitted to produce this salutary effect, I lost no time in availing myself of the act authorizing a suspension, in whole or in part, of the several embargo laws. Our ministers at London and Paris were instructed to explain to the respective governments there, our disposition to exercise the authority in such manner as would withdraw the pretext on which the aggressions were originally founded, and open the way for a renewal of that commercial intercourse which it was alleged on all sides had been reluctantly obstructed. As each of those governments had pledged its readiness to concur in renouncing a measure which reached its adversary through the incontestable rights of neutrals only, and as the measure had been assumed by each as a retaliation for an asserted acquiescence in the aggressions of the other, it was reasonably expected that the occasion would have been seized by both for evincing the sincerity of their profession, and for restoring to the commerce of the United States its legitimate freedom. The instructions to our ministers with respect to the different belligerents were necessarily modified with reference to their different circumstances, and to the condition annexed by law to the executive power of suspension, requiring a degree of security to our commerce which would not result from

a repeal of the decrees of France. Instead of a pledge, therefore, of a suspension of the embargo as to her in case of such a repeal, it was presumed that a sufficient inducement might be found in other considerations, and particularly in the change produced by a compliance with our just demands by one belligerent, and a refusal by the other, in the relations between the other and the United States. To Great Britain, whose power on the ocean is so ascendant, it was deemed not inconsistent with that condition to state explicitly, that on her rescinding her orders in relation to the United States their trade would be opened with her, and remain shut to her enemy, in case of his failure to rescind his decrees also. From France no answer has been received, nor any indication that the requisite change in her decrees is contemplated. The favorable reception of the proposition to Great Britain was the less to be doubted, as her orders of council had not only been referred for their vindication to an acquiescence on the part of the United States no longer to be pretended, but as the arrangement proposed, while it resisted the illegal decrees of France, involved, moreover, substantially, the precise advantages professedly aimed at by the British orders. The arrangement has nevertheless been rejected.

This candid and liberal experiment having thus failed, and no other event having occurred on which a suspension of the embargo by the executive was authorized, it necessarily remains in the extent originally given to it. We have the satisfaction, however, to reflect, that in return for the privations imposed by the measure, and which our fellow-citizens in general have borne with patriotism, it has had the important effects of saving our mariners and our vast mercantile property, as well as of affording time for prosecuting the defensive and provisional measures called for by the occasion. It has demonstrated to foreign nations the moderation and firmness which govern our councils, and to our citizens the necessity of uniting in support of the laws and the rights of their country, and has thus long frustrated those usurpations and spoliations which, if resisted, involved war; if submitted to, sacrificed a vital principle of our national independence.

Under a continuance of the belligerent measures which, in defiance of laws which consecrate the rights of neutrals, overspread the ocean with danger, it will rest with the wisdom of Congress to decide on the course best adapted to such a state of things; and bringing with them, as they do, from every part of the Union, the sentiments of our constituents, my confidence is strengthened, that in forming this decision they will, with an unerring regard to the essential rights and interests of the nation, weigh and compare the painful alternatives out of which a choice is to be made. Nor should I do justice to the virtues which on other occasions have marked the character of our fellow-citizens if I did not cherish an equal confidence that the alternative chosen, whatever it may be, will be maintained with all the fortitude and patriotism which the crisis ought to inspire.

The documents containing the correspondences on the subject of the foreign edicts against our commerce, with the instructions given to our ministers at London and Paris, are now laid before you.

The communications made to Congress at their last session explained the posture in which the close of the discussion relating to the attack by a British ship-of-war on the frigate Chesapeake left a subject on which the nation had manifested so honorable a sensibility. Every view of what had passed authorized a belief that immediate steps would be taken by the

British government for redressing a wrong, which, the more it was investigated, appeared the more clearly to require what had not been provided for in the special mission. It is found that no steps have been taken for the purpose. On the contrary it will be seen, in the documents laid before you, that the inadmissible preliminary which obstructed the adjustment is still adhered to; and, moreover, that it is now brought into connexion with the distinct and irrelative case of the orders in council. The instructions which had been given to our ministers at London, with a view to facilitate, if necessary, the reparation claimed by the United States, are included in the documents communicated.

Our relations with the other powers of Europe have undergone no material changes since your last session. The important negotiations with Spain, which had been alternately suspended and resumed, necessarily experience a pause under the extraordinary and interesting crises which distinguishes her internal situation.

With the Barbary powers we continue in harmony, with the exception of an unjustifiable proceeding of the dey of Algiers toward our consul to that regency. Its character and circumstances are now laid before you, and will enable you to decide how far it may, either now or hereafter, call for any measures not within the limits of the executive authority.

With our Indian neighbors the public peace has been steadily maintained. Some instances of individual wrong have, as at other times, taken place, but in no wise implicating the will of the nation. Beyond the Mississippi, the Iowas, the Sacs, and the Alabamas, have delivered up for trial and punishment individuals from among themselves accused of murdering citizens of the United States. On this side of the Mississippi, the Creeks are exerting themselves to arrest offenders of the same kind; and the Choctaws have manifested their readiness and desire for amicable and just arrangements respecting depredations committed by disorderly persons of their tribe. And, generally, from a conviction that we consider them as part of ourselves, and cherish with sincerity their rights and interests, the attachment of the Indian tribes is gaining strength daily—is extending from the nearer to the more remote, and will amply requite us for the justice and friendship practised toward them. Husbandry and household manufacture are advancing among them, more rapidly with the southern than the northern tribes, from circumstances of soil and climate; and one of the two great divisions of the Cherokee nation have now under consideration to solicit the citizenship of the United States, and to be identified with us in laws and government, in such progressive manner as we shall think best.

In consequence of the appropriations of the last session of Congress for the security of our seaport towns and harbors, such works of defence have been erected as seemed to be called for by the situation of the several places, their relative importance, and the scale of expense indicated by the amount of the appropriation. These works will chiefly be finished in the course of the present season, except at New York and New Orleans, where most was to be done; and although a great proportion of the last appropriation has been expended on the former place, yet some further views will be submitted to Congress for rendering its security entirely adequate against naval enterprise. A view of what has been done at the several places, and of what is proposed to be done, shall be communicated as soon as the several reports are received.

Of the gun-boats authorized by the act of December last, it has been

thought necessary to build only one hundred and three in the present year. These, with those before possessed, are sufficient for the harbors and waters exposed, and the residue will require little time for their construction when it is deemed necessary.

Under the act of the last session for raising an additional military force, so many officers were immediately appointed as were necessary for carrying on the business of recruiting, and in proportion as it advanced others have been added. We have reason to believe their success has been satisfactory, although such returns have not yet been received as enable me to present to you a statement of the numbers engaged.

I have not thought it necessary in the course of the last season to call for any general detachments of militia or volunteers under the laws passed for that purpose. For the ensuing season, however, they will be required to be in readiness, should their service be wanted. Some small and special detachments have been necessary to maintain the laws of embargo on that portion of our northern frontier which offered peculiar facilities for evasion, but these were replaced as soon as it could be done by bodies of new recruits. By the aid of these, and of the armed vessels called into actual service in other quarters, the spirit of disobedience and abuse which manifested itself early, and with sensible effect while we were unprepared to meet it, has been considerably repressed.

Considering the extraordinary character of the times in which we live, our attention should unremittingly be fixed on the safety of our country. For a people who are free, and who mean to remain so, a well-organized and armed militia is their best security. It is, therefore, incumbent on us, at every meeting, to revise the condition of the militia, and to ask ourselves if it is prepared to repel a powerful enemy at every point of our territories exposed to invasion. Some of the states have paid a laudable attention to this object; but every degree of neglect is to be found among others. Congress alone have power to produce a uniform state of preparation in this great organ of defence; the interests which they so deeply feel in their own and their country's security will present this as among the most important objects of their deliberation.

Under the acts of March 11th and April 23d, respecting arms, the difficulty of procuring them from abroad, during the present situation and dispositions of Europe, induced us to direct our whole efforts to the means of internal supply. The public factories have, therefore, been enlarged, additional machineries erected, and in proportion as artificers can be found or formed, their effect, already more than doubled, may be increased so as to keep pace with the yearly increase of the militia. The annual sums appropriated by the latter act have been directed to the encouragement of private factories of arms, and contracts have been entered into with individual undertakers to nearly the amount of the first year's appropriation.

The suspension of our foreign commerce, produced by the injustice of the belligerent powers, and the consequent losses and sacrifices of our citizens, are subjects of just concern. The situation into which we have thus been forced has impelled us to apply a portion of our industry and capital to internal manufactures and improvements. The extent of this conversion is daily increasing, and little doubt remains that the establishments formed and forming will—under the auspices of cheaper materials and subsistence, the freedom of labor from taxation with us, and of protecting duties and prohibitions—become permanent. The commerce with the Indians too, within our own boundaries, is likely to receive abundant ali-

ment from the same internal source, and will secure to them peace and the progress of civilization, undisturbed by practices hostile to both.

The accounts of the receipts and expenditures during the year ending on the 30th day of September last, being not yet made up, a correct statement will hereafter be transmitted from the treasury. In the meantime, it is ascertained that the receipts have amounted to near eighteen millions of dollars, which, with the eight millions and a half in the treasury at the beginning of the year, have enabled us, after meeting the current demands and interest incurred, to pay two millions three hundred thousand dollars of the principal of our funded debt, and left us in the treasury, on that day, near fourteen millions of dollars. Of these, five millions three hundred and fifty thousand dollars will be necessary to pay what will be due on the first day of January next, which will complete the reimbursement of the eight per cent. stock. These payments, with those made in the six years and a half preceding, will have extinguished thirty-three millions five hundred and eighty thousand dollars of the principal of the funded debt, being the whole which could be paid or purchased within the limits of the law and of our contracts; and the amount of principal thus discharged will have liberated the revenue from about two millions of dollars of interest, and added that sum annually to the disposable surplus. The probable accumulation of the surpluses of revenue beyond what can be applied to the payment of the public debt, whenever the freedom and safety of our commerce shall be restored, merits the consideration of Congress. Shall it lie unproductive in the public vaults? Shall the revenue be reduced? Or shall it not rather be appropriated to the improvements of roads, canals, rivers, education, and other great foundations of prosperity and union, under the powers which Congress may already possess, or such amendment of the constitution as may be approved by the states? While uncertain of the course of things, the time may be advantageously employed in obtaining the powers necessary for a system of improvement should that be thought best.

Availing myself of this, the last occasion which will occur of addressing the two houses of the legislature at their meeting, I can not omit the expression of my sincere gratitude for the repeated proofs of confidence manifested to me by themselves and their predecessors since my call to the administration, and the many indulgences experienced at their hands. The same grateful acknowledgments are due to my fellow-citizens generally, whose support has been my great encouragement under all embarrassments. In the transaction of their business I can not have escaped error. It is incident to our imperfect nature. But I may say with truth, my errors have been of the understanding, not of intention; and that the advancement of their rights and interests has been the constant motive for every measure. On these considerations I solicit their indulgence. Looking forward with anxiety to their future destinies, I trust that, in their steady character unshaken by difficulties, in their love of liberty, obedience to law, and support of the public authorities, I see a sure guaranty of the permanence of our republic; and retiring from the charge of their affairs, I carry with me the consolation of a firm persuasion that Heaven has in store for our beloved country long ages to come of prosperity and happiness.

SPECIAL MESSAGE.

DECEMBER 30, 1808.

To the Senate and House of Representatives of the United States:—

I LAY before the legislature a letter from Governor Claiborne, on the subject of a small tribe of Alabama Indians, on the western side of the Mississippi, consisting of about a dozen families. Like other erratic tribes in that country, it is understood that they have hitherto moved from place to place, according to their convenience, without appropriating to themselves exclusively any particular territory. But having now become habituated to some of the occupations of civilized life, they wish for a fixed residence. I suppose it will be the interest of the United States to encourage the wandering tribes of that country to reduce themselves to fixed habitations, whenever they are so disposed. The establishment of towns, and growing attachments to them, will furnish, in some degree, pledges of their peaceable and friendly conduct. The case of this particular tribe is now submitted to the consideration of Congress

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SPECIAL MESSAGE.

JANUARY 6, 1809.

To the Senate and House of Representatives of the United States:—

I NOW lay before Congress a statement of the works of defence which it has been thought necessary to provide in the first instance, for the security of our seaports, towns, and harbors, and of the progress toward their completion; their extent has been adapted to the scale of the appropriation, and to the circumstances of the several places.

The works undertaken at New York are calculated to annoy and endanger any naval force which shall enter the harbor, and, still more, one which should attempt to lie before the city. To prevent altogether the entrance of large vessels, a line of blocks across the harbor has been contemplated, and would, as is believed, with the auxiliary means already provided, render that city safe against naval enterprise. The expense, as well as the importance of the work, renders it a subject proper for the special consideration of Congress.

At New Orleans, two separate systems of defence are necessary; the one for the river, the other for the lake, which, at present, can give no aid to one another. The canal now leading from the lake, if continued into the river, would enable the armed vessels in both stations to unite, and to meet in conjunction an attack from either side; half the aggregate force would then have the same effect as the whole; or the same force double the effect of what either can have. It would also enable the vessels stationed in the lake, when attacked by superior force, to retire to a safer position in the river. The same considerations of expense and importance renders this also a question for the special decision of Congress.

ADMINISTRATION OF JEFFERSON.

On the day of his inauguration as president of the United States, March 4, 1801, Mr. Jefferson was in the 58th year of his age. He delivered his inaugural address in the new capitol at Washington, in presence of the vice-president, the senators, many members of the house of representatives, the foreign ministers, and a large concourse of citizens. The oath of office was administered by Chief-Justice Marshall, after the address was delivered. The vice-president, Colonel Burr, took his seat in the senate the same day. He had taken no part in the election of president by the house of representatives, having been in Albany during that contest. The democratic party in the house were pledged to persevere in voting for Mr. Jefferson to the end, whatever might be the consequence, and none of them varied from that pledge. Colonel Burr, on the 16th of December, 1800, addressed a letter to General S. Smith, of Baltimore, who was then a member of the house of representatives, in which he disclaimed all competition with Mr. Jefferson. "As to my friends," he says, "they would dishonor my views, and insult my feelings, by a suspicion that I would submit to be instrumental in counteracting the wishes and the expectations of the people of the United States. And I now constitute you my proxy to declare these sentiments, if the occasion should require." Notwithstanding this course of Colonel Burr, the contest in Congress produced, almost immediately after the election, strong feelings of dissatisfaction between some of the friends of the president and vice-president. Jealousies and distrust had previously existed between these different sections of the democratic party, now triumphant in the possession of the power of the federal government. These feelings were suppressed for a time, but circumstances subsequently occurred which renewed them, and the result was the political prostration of the vice-president, before his term of office had expired.

The senate having been called together by President Adams, Mr. Jefferson commenced the organization of his cabinet by the appointment, with the consent of the senate, on the 5th of March, of James Madison, secretary of state, Henry Dearborn, of Massachusetts, secretary of war, and Levi Lincoln, of Massachusetts, attorney-general. The secretaries of the

treasury and navy, Samuel Dexter and Benjamin Stoddert, who had been appointed by Mr. Adams, were continued in office a short time; but before the meeting of Congress, Albert Gallatin, of Pennsylvania, was appointed secretary of the treasury, and Robert Smith, of Maryland, secretary of the navy. At the same time with the last, Gideon Granger, of Connecticut, was appointed postmaster-general, in place of Joseph Habersham, of Georgia. This officer was not made a member of the cabinet until the administration of President Jackson. The nominations of Gallatin, Smith, and Granger, were confirmed by the senate on the 26th of January, 1802.

In his inaugural speech, Mr. Jefferson soothed the serious apprehensions, which were entertained by his political opponents, as to the manner in which he might exercise executive power. From his declarations in that address, the federalists hoped that he would not disturb those of their party who were in office, or cause any radical change in the administration of the government. They were soon made to understand that political tolerance was not to be expected in all cases toward officeholders. In June, 1801, Mr. Jefferson removed Elizur Goodrich, a federalist, from the office of collector of the port of New Haven, and appointed Samuel Bishop, a democrat, in his place. In reply to a remonstrance from the merchants and other citizens of New Haven, in which they assert Mr. Goodrich's promptness, integrity, and ability; and better qualifications than those of Mr. Bishop, who was nearly seventy-eight years of age, and quite infirm, Mr. Jefferson said, among other things, in his answer, dated 12th of July: "Declarations by myself, in favor of political tolerance, exhortations to harmony and affection in social intercourse, and respect for the equal rights of the minority, have, on certain occasions, been quoted and misconstrued into assurances that the tenure of offices was not to be disturbed. But could candor apply such a construction? When it is considered that, during the late administration, those who were not of a particular sect of politics were excluded from all office; when, by a steady pursuit of this measure, nearly the whole offices of the United States were monopolized by that sect; when the public sentiment at length declared itself, and burst open the doors of honor and confidence to those whose opinions they approved; was it to be imagined that this monopoly of office was to be continued in the hands of the minority? Does it violate their *equal rights* to assert some rights in the majority also? Is it *political intolerance* to claim a proportionate share in the direction of the public affairs? If a due participation of office is a matter of right, how are vacancies to be obtained? Those by death are few, by resignation none. Can any other mode than that of removal be proposed? This is a painful office; but it is made my duty, and I meet it as such. I proceed in the operation with deliberation and inquiry, that it may injure the best men least, and effect the purposes of justice and public utility with the least private distress; that it may be

thrown as much as possible on delinquency, on oppression, on intolerance, on anti-revolutionary adherence to our enemies.

"I lament sincerely that unessential differences of opinion should ever have been deemed sufficient to interdict half the society from the rights and the blessings of self-government, to proscribe them as unworthy of every trust. It would have been to me a circumstance of great relief, had I found a moderate participation of office in the hands of the majority. I would gladly have left to time and accident to raise them to their just share. But their total exclusion calls for prompter corrections. I shall correct the procedure; but that done, return with joy to that state of things when the only questions concerning a candidate shall be, Is he honest? as he capable? Is he faithful to the constitution?"

It should be borne in mind that most of the persons who were in office when Mr. Jefferson came into power, were those who had been appointed by General Washington, and continued in their places by Mr. Adams, who made very few removals, and none for party reasons. If there was anything sectarian, then, in the system of appointments to office, it was chargeable more to General Washington than to Mr. Adams. The democratic party, however, had scarcely a name or an existence when Washington's administration commenced; and when the first appointments were made under the general government, reference could not have been had to political distinctions. Those who received appointments from Washington were doubtless preferred for their integrity, capacity, and fidelity to the constitution.

But Mr. Jefferson had been elected by a party, and was under the necessity of rewarding his supporters with offices and incomes; and in his letter, quoted above, may be found the origin of the doctrine, "to the victors belong the spoils." But it is due to him to say, that although he confined his appointments to office to his political friends, as did generally his successors, Presidents Madison and Monroe, his removals of political opponents from office, during the eight years of his administration, were but few in number, compared with those of more recent administrations.

The implied invitation given by Mr. Jefferson to all political adversaries, to abandon their creeds and adopt his own, with the expectation and implied promises of reward for apostacy, induced many of the federalists to join the triumphant party of the administration, some of whom were appointed to office under the general government. To prove their sincerity, they resorted to the bitterest condemnation of their former principles and associates. Sustained by the salaries of office, and raised by titles above those they had deserted, they could clearly see how base, plotting, and traitorous, some of their fellow-citizens were, with whom, but yesterday, they were proud to rank, and most zealous to uphold, as worthy patriots. There were instances of departure from the federal side distinguishable from such as have been mentioned, and which did not deserve reproach

There were timid men who did not entirely approve of federal views of the national policy; others, who thought themselves not to have been sufficiently valued by their federal associates; and some were by nature and inclination Jeffersonians, and who originally mistook their side, and very properly went over where they belonged.*

Mr. Jefferson said that he regarded all the appointments made by Mr. Adams after the 14th of February, while the house of representatives was balloting for president, as absolutely void. This must be understood to mean that, though Mr. Adams was constitutionally president up to the midnight hour of the 3d of March, yet he ought to have submitted his will to that of his successor. On the same principle, Mr. Jefferson withheld the commissions of certain magistrates whom Mr. Adams had appointed, in the District of Columbia. The commissions were made out, and ready for delivery, but Mr. Jefferson ordered them to be suppressed. One of these magistrates (Mr. Marbury) applied to the supreme court for a writ of mandamus to Mr. Madison, the new president's secretary of state, to deliver his commission. But, after an able investigation of constitutional law, the court did not grant the motion. Mr. Jefferson found a commission duly made out, and signed by Mr. Adams, appointing a gentleman district judge in Rhode Island. This commission he suppressed, and appointed one in whom he could confide.†

The following extracts from Mr. Jefferson's letters, written soon after his election, are interesting, as showing his views and feelings at that time, with regard to events, and on questions of public policy. To Governor M'Kean, March 9, 1801, he writes: "I thank you for congratulations on the event of the election. Had it terminated in the elevation of Mr. Burr, every republican would, I am sure, have acquiesced in a moment; because, however it might have been varient from the intentions of the voters, yet it would have been agreeable to the constitution. No man would more cheerfully have submitted than myself, because I am sure the administration would have been republican, and the chair of the senate permitting me to be at home eight months in the year, would, on that account, have been much more consonant to my real satisfaction. But in the event of a usurpation, I was decidedly with those who were determined not to permit it. Because that precedent, once set, would be artificially reproduced, and end soon in a dictator." An explanation of his meaning may be found in a previous letter to James Monroe, dated February 15, before the question of election of president by the house was decided: "Four days of balloting have produced not a single change of a vote. Yet it is confidently believed that to-morrow there is to be a coalition. I know of no foundation for this belief. If they could have been permitted to pass a law for putting the government into the hands of an officer, they would certainly have prevented an election. But we thought it best to declare

* Sullivan. † Ibid

openly and firmly, one and all, that the day such an act passed, the middle states would arm, and that no such usurpation, even for a single day, should be submitted to. This first shook them; and they were completely alarmed at the resource for which we declared, to wit, a convention to reorganize the government and to amend it. The very word *convention* gives them the horrors, as, in the present democratical spirit of America, they fear they should lose some of the favorite morsels of the constitution. Many attempts have been made to obtain terms and promises from me. I have declared to them unequivocally, that I would not receive the government on capitulation; that I would not go into it with my hands tied."

The following extracts from documents published by the sons of the Hon. James A. Bayard, of Delaware, in the National Gazette, of Philadelphia, in December, 1830, in vindication of their father, who was a member of Congress at the time of the presidential election of 1801, are deemed important to illustrate this portion of political history.*

Extracts of a letter from George Baer, Esq. (a member of the 6th Congress, from Maryland, in 1801), to Richard H. Bayard, Esq., dated Frederick, April 19, 1830.

"Previous to and pending the election, rumors were industriously circulated, and letters written to different parts of the country, charging the federalists with the design to prevent the election of a president, and to usurp the legislative power. I was privy to all the arrangements made, and attended all the meetings of the federal party when consulting on the course to be pursued in relation to the election, and I pledge my most solemn asseveration that no such measure was for a moment contemplated by that party; that no such proposition was ever made; and that if it had ever been, it would not only have been discouraged, but instantly put down, by those gentlemen who possessed the power, and were pledged to each other to elect a president before the close of the session."

"Although nearly thirty years have elapsed since that eventful period, my recollection is vivid, as to the principal circumstances, which, from the part I was called upon to act, were deeply graven on my memory. It was soon ascertained that there were six individuals, the vote of any one of whom could at any moment decide the election These were your father, the late James A. Bayard, who had the vote of the state of Delaware, General Morris, of Vermont, who held the divided vote of that state, and Mr. Craik, Mr. Thomas, Mr. Dennis, and myself, who held the divided vote of Maryland. Your father, Mr. Craik, and myself, having compared ideas upon the subject, and finding that we entertained the same views and opinions, resolved to act together, and accordingly entered into a solemn and mutual pledge, that we would, in the first instance, yield to the wishes of the great majority of the party with whom we acted, and vote for Mr. Burr, but that no consideration should induce us to protract

* See Davis's Life of Burr, and Appendix to Knapp's Life of Burr.

the contest beyond a reasonable period for the purpose of ascertaining whether he could be elected. We determined that a president should be chosen, but were willing thus far to defer to the opinions of our political friends, whose preference of Mr. Burr was founded upon a belief that he was less hostile to federal men and federal measures, than Mr. Jefferson. General Morris and Mr. Dennis concurred in this arrangement."

Extract from the deposition of Hon. James A. Bayard, taken and sworn to, at Washington, April 3, 1806:—

"Messrs. Baer and Craik, members of the house of representatives from Maryland, and General Morris, a member of the house from Vermont, and myself, having the power to determine the votes of the states, from similarity of views and opinions, during the pendency of the election, made an agreement to vote together. We foresaw that a crisis was approaching which might probably force us to separate in our votes from the party with whom we usually acted. We were determined to make a president, and the period of Mr. Adams's administration was rapidly approaching.

"In determining to recede from the opposition to Mr. Jefferson, it occurred to us, that, probably, instead of being obliged to surrender at discretion, we might obtain terms of capitulation. The gentlemen whose names I have mentioned, authorized me to declare their concurrence with me upon the best terms that could be procured. The vote of either of us was sufficient to decide the choice. With a view to the end mentioned, I applied to Mr. John Nicholas, a member of the house from Virginia, who was a particular friend of Mr. Jefferson. I stated to Mr. Nicholas, that if certain points of the future administration could be understood and arranged with Mr. Jefferson, I was authorized to say that three states would withdraw from an opposition to his election. He asked me what those points were: I answered, First, sir, the support of the public credit; secondly, the maintenance of the naval system; and lastly, that subordinate public officers employed only in the execution of details, established by law, shall not be removed from office on the ground of their political character, nor without complaint against their conduct. I explained myself that I considered it not only reasonable, but necessary, that offices of high discretion and confidence should be filled by men of Mr. Jefferson's choice. I exemplified, by mentioning, on the one hand, the offices of the secretaries of state, treasury, foreign ministers, &c.; and on the other, the collectors of ports, &c. Mr. Nicholas answered me, that he considered the points very reasonable, that he was satisfied that they corresponded with the views and intentions of Mr. Jefferson, and he knew him well. That he was acquainted with most of the gentlemen who would probably be about him and enjoy his confidence, in case he became president, and that if I would be satisfied with *his* assurance, he could solemnly declare it as his opinion, that Mr. Jefferson, in his administration, would not de-

part from the points I proposed. I replied to Mr. Nicholas, that I had not the least doubt of the sincerity of his declaration, and that his opinion was perfectly correct, but that I wanted an engagement, and that if the points could in any form be understood as conceded by Mr. Jefferson, the election should be ended: and proposed to him to consult Mr. Jefferson. This he declined, and said he could do no more than give me the assurance of his own opinion as to the sentiments and designs of Mr. Jefferson and his friends. I told him that was not sufficient, that we should not surrender without better terms. Upon this we separated; and I shortly after met with General Smith, to whom I unfolded myself in the same manner that I had done to Mr. Nicholas. In explaining myself to him in relation to the nature of the offices alluded to, I mentioned the offices of George Latimer, collector of the port of Philadelphia, and Allen M'Lane,* collector of Wilmington, General Smith gave me the same assurance, as to the observance by Mr. Jefferson of the points which I had stated, which Mr. Nicholas had done. I told him I should not be satisfied, nor agree to yield, till I had the assurance of Mr. Jefferson himself; but that if he would consult Mr. Jefferson, and bring the assurance from him, the election should be ended. The general made no difficulty in consulting Mr. Jefferson, and proposed giving me his answer the next morning. The next day, upon our meeting, General Smith informed me that he had seen Mr. Jefferson, and stated to him the points mentioned, and was authorized by him to say, that they corresponded with his views and intentions, and that we might confide in him accordingly. The opposition of Vermont, Maryland, and Delaware, was immediately withdrawn, and Mr. Jefferson was made president by the votes of ten states."

The deposition of Mr. Bayard is followed by that of Hon. Samuel Smith, of Maryland, taken 15th of April, 1806, which substantially confirms the above statement of Mr. Bayard.

We give a few further extracts from Mr. Jefferson's letters, to show his views and the progress of political events, after his accession to the presidency.

To John Dickinson, March 6, 1801, he writes: "The storm through which we have passed, has been tremendous indeed. The tough sides of our Argosie have been thoroughly tried. Her strength has stood the waves into which she was steered with a view to sink her. We shall put her on the republican track, and she will now show, by the beauty of her motion, the skill of her builders. Figure apart, our fellow-citizens have been led, hoodwinked, from their principles, by a most extraordinary combination of circumstances. But the band is removed, and they now see for themselves. I hope to see shortly a perfect consolidation, to effect which, nothing shall be wanting on my part, short of the abandonment of the prin-

* According to Davis's Life of Burr, these gentlemen, Latimer and M'Lane, were retained in office.

ciples of the revolution A just and solid republican government maintained here, will be a standing monument and example for the aim and imitation of the people of other countries."

To Colonel Monroe, March 7, he gives his views as to appointments to office, as follows: "To give time for a perfect consolidation seems prudent. I have firmly refused to follow the counsels of those who have desired the giving offices to some of their leaders [federalists], in order to reconcile. I have given, and will give, only to republicans, under existing circumstances. But I believe, with others, that deprivations of office, if made on grounds of political principles alone, would revolt our new converts, and give a body to leaders who now stand alone. Some, I know, must be made. They must be as few as possible, done gradually, and bottomed on some malversation or inherent disqualification. Where we shall draw the line between retaining all and none, is not yet settled, and will not be till we get our administration together; and perhaps even then we shall proceed *à tatons*, balancing our measures according to the impression we perceive them to make. This may give you a general view of our plan."

To Thomas Paine (then in France) he writes, March 18: "The return of our citizens from the phrensy into which they had been wrought, partly by ill conduct in France, partly by artifices practised on them, is almost entire, and will, I believe, become quite so. But these details will be better developed by Mr. Dawson, the bearer of this, a member of the late Congress, to whom I refer you for them. He goes in the Maryland, a sloop-of-war, which will wait a few days at Havre to receive his letters. You expressed a wish to get a passage to this country in a public vessel. Mr. Dawson is charged with orders to the captain of the Maryland to receive and accommodate you with a passage back, if you can be ready at such short warning. Robert R. Livingston is appointed minister to the republic of France, but will not leave this till we receive the ratification of the convention by Mr. Dawson. I am in hopes you will find us returned generally to sentiments worthy of former times. In these it will be your glory to have steadily labored, and with as much effect as any man living. That you may long live to continue your useful labors, and to reap their reward in the thankfulness of nations, is my sincere prayer."

To William B. Giles, March 23: "I received, two days ago, your favor of the 16th, and thank you for your kind felicitations on my election: but whether it will be a subject of felicitation permanently, will be for chapters of future history to say. The important subjects of the government I meet with some degree of courage and confidence, because I do believe the talents to be associated with me, the honest line of conduct we will religiously pursue, at home and abroad, and the confidence of my fellow-citizens dawning on us, will be equal to these objects. But there is another branch of duty which I must meet with courage too, though I can

not without pain; that is, the appointments and disappointments as to offices. Madison and Gallatin being still absent, we have not yet decided on our rules of conduct as to these. That some ought to be removed from office, and that all ought not, all mankind will agree. But where to draw the line, perhaps no two will agree. Consequently, nothing like a general approbation on this subject can be looked for. Some principles have been the subject of conversation, but not of determination; *e. g.*, all appointments to *civil* offices *during pleasure*, made after the event of the election was certainly known to Mr. Adams, are considered as nullities. I do not view the persons appointed as even candidates for the office, but make others without noticing or notifying them. Mr. Adams's best friends have agreed this is right. 2. Officers who have been guilty of *official* malconduct are subjects of removal. 3. Good men, to whom there is no objection but a difference of political principle, practised on only as far as the right of a private citizen will justify, are not proper subjects of removal, except in the cases of attorneys and marshals. The courts being so decidedly federal and irremovable, it is believed that republican attorneys and marshals, being the doors of entry into the courts, are indispensably necessary as a shield to the republican part of our fellow-citizens, which, I believe, is the main body of the people. These principles are yet to be considered of, and I sketch them to you in confidence."

To Elbridge Gerry, March 28: "Mr. Adams's last appointments, when he knew he was naming counsellors and aids for me, and not for himself, I set aside, as far depends on me. Officers who have been guilty of gross abuses of office, such as marshals packing juries, &c., I shall now remove, as my predecessor ought in justice to have done. The instances will be few, and governed by strict rule, and not party passion. The right of opinion shall suffer no invasion from me. Those who have acted well have nothing to fear, however they may have differed from me in opinion."

To Gideon Granger, May 3, 1801: "A new subject of congratulation has arisen. I mean the regeneration of Rhode Island. I hope it is the beginning of that resurrection of the genuine spirit of New England which rises for life eternal. According to natural order, Vermont will emerge next, because least, after Rhode Island, under the yoke of hierocracy. I have never dreamed that all opposition was to cease. The clergy, who have missed their union with the state, the Anglemen, who have missed their union with England, and the political adventurers, who have lost the chance of swindling and plunder in the waste of public money, will never cease to bawl on the breaking up of their sanctuary. But among the people the schism is healed, and with tender treatment the wound will not reopen. Their quondam leaders have been astounded with the suddenness of the desertion: and their silence and appearance of acquiescence have proceeded not from a thought of joining us, but the uncertainty what ground to take. The very first acts of the administra-

tion, the nominations, have accordingly furnished something to yelp on; and all our subsequent acts will furnish them fresh matter, because there is nothing against which human ingenuity will not be able to find something to say."

To Nathaniel Macon, May 14:—

"Now to answer your particulars, *seriatim*.

"Levees are done away with.

"The first communication to the next Congress will be, like all subsequent ones, by message, to which no answer will be expected.

"The diplomatic establishment in Europe will be reduced to three ministers.

"The compensation to collectors depends on you, and not on me.

"The army is undergoing a chaste reformation.

"The navy will be reduced to the legal establishment by the last of this month.

"Agencies in every department will be revised.

"We shall push you to the uttermost in economizing.

"A very early recommendation had been given to the postmaster-general, to employ no printer, foreigner, or revolutionary tory, in any of his offices. This department is still untouched.

"The arrival of Mr. Gallatin, yesterday, completed the organization of our administration."

To Levi Lincoln, July 11: "The consolidation of our fellow-citizens in general, is the great object we ought to keep in view; and that being once obtained, while we associate with us in affairs, to a certain degree, the federal sect of republicans, we must strip of all the means of influence the Essex junto, and their associate monocrats in every part of the Union. The former differ from us only in the shades of power to be given to the executive, being, with us, attached to republican government. The latter wish to sap the republic by fraud, if they can not destroy it by force, and to erect an English monarchy in its place. We are proceeding gradually in the regeneration of offices, and introducing republicans to some share in them. I do not know that it will be pushed further than was settled before you went away, except as to Essex men. I must ask you to make out a list of those in office in yours and the neighboring states, and to furnish me with it."

To the same, August 26: "I had foreseen, years ago, that the first republican president who should come into office after all the places in the government had been exclusively occupied by federalists, would have a dreadful operation to perform. That the republicans would consent to a continuation of everything in federal hands, was not to be expected, because neither just nor politic. On him, then, was to devolve the office of an executioner, that of lopping off. I can not say that it has worked harder than I expected. You know the moderation of our views in this

business, and that we all concurred in them. We determined to proceed with deliberation. This produced impatience in the republicans, and a belief we meant to do nothing. Some occasion of public explanation was eagerly desired, when the New Haven remonstrance offered us that occasion. The answer was meant as an explanation to our friends. It has had on them, everywhere, the most wholesome effect. Appearances of schismatizing from us have been entirely done away. I own I expected it would check the current with which the republican federalists were returning to their brethren, the republicans. I extremely lamented this effect. For the moment which should convince me that a healing of the nation into one, is impracticable, would be the last moment of my wishing to remain where I am. (Of the monarchical federalists I have no expectations. They are incurables, to be taken care of in a mad-house, if necessary, and on motives of charity.) I am much pleased, therefore, with your information that the republican federalists are still coming in to the desired union. I am satisfied that the heaping of abuse on me personally, has been with the design and the hope of provoking me to make a general sweep of all federalists out of office. But as I have carried no passion into the execution of this disagreeable duty, I shall suffer none to be excited. The clamor which has been raised will not provoke me to remove one more, nor deter me from removing one less, than if not a word had been said on the subject. In the course of the summer, all which is necessary will be done; and we may hope that, this cause of offence being at an end, the measures we shall pursue and propose for the amelioration of the public affairs, will be so confessedly salutary as to unite all men not monarchists in principle.

"We have considerable hopes of republican senators from South Carolina, Maryland, and Delaware, and some as to Vermont. In any event we are secure of a majority in the senate; and consequently that there will be a concert of action between the legislature and executive. The removal of excrescences from the judiciary is the universal demand."

The seventh Congress assembled at Washington, on the 7th of December, 1801. In the senate, Aaron Burr, vice-president, presiding, political parties were nearly equally divided, at first, but eventually there was a majority in favor of the administration. Abraham Baldwin (democrat) was elected president *pro tem.* The majority of the house of representatives was also democratic, and Nathaniel Macon, a distinguished friend of Mr. Jefferson, from North Carolina, was elected speaker. This session of Congress continued till the 3d of May, 1802—138 days. The custom which had been established by General Washington, for the president to deliver in person his address to Congress, after the opening of the session, was discontinued by Mr. Jefferson, who transmitted his communication by message. In this change made by Mr. Jefferson, he appears to have had in view the convenience of Congress, the economy of their time, their

relief from the embarrassment of immediate answers on subjects not yet fully before them, and the more republican form of this method of addressing the national legislature, than that by speeches. In these respects its advantages were deemed so apparent, that the communication with Congress, by message, has been invariably adopted on every subsequent occasion.

The suggestions of the president for the revision of measures of the federalists, among others, for the repeal of internal taxes, the reduction of the diplomatic corps, the hauling up of the navy, the abolition of certain offices, and revision of the judiciary, were taken into consideration by Congress. A bill was passed to repeal the recent law establishing circuit courts, by which the judges who had been appointed by Mr. Adams were expelled from office. In the house of representatives the two great champions in debate on this bill were James A. Bayard and William B. Giles. The former contended that Congress had not the power to deprive the judges of their stations, by the indirect course of repealing the law under which they were appointed. In the senate the two principal speakers were Gouverneur Morris and Stephens T. Mason. The leading arguments in favor of the repeal were, that the new courts were useless, and that there was no constitutional objection to abolishing them. By the opponents of the administration, an act repealing any part of the judiciary system was considered ominous to the independence of the judicial department, but as no attempt was made to demolish the supreme court, by altering the constitution, and as the new circuit courts might be dispensed with, without much inconvenience to the public, the apprehensions of the federalists on this subject gradually subsided.

The other most important acts of this session, were, the apportionment of representation by the census of 1800, the ratio being continued at one representative for 33,000 inhabitants; for protecting American commerce and seamen against Tripolitan cruisers which had previously captured our vessels; for fixing the military peace establishment, which provided for the continuance only of one regiment of artillery, two regiments of infantry, and a corps of engineers to be stationed at West Point, on the Hudson river, and to constitute a military academy at that place; for regulating trade and intercourse with the Indian tribes, and for the preservation of peace on the frontiers; for discontinuing the several acts laying internal taxes on stills, distilled spirits, refined sugars, carriages, stamped paper, and licenses to retailers and for sales at auction; for establishing a uniform system of naturalization, and repealing former laws on the subject (the time of residence of aliens in the United States was reduced to five years, in conformity with the suggestion of President Jefferson, instead of fourteen years, as required by the act of 1798); for redeeming the public debt, by which it was provided to appropriate annually seven millions and three hundred thousand dollars to the sinking fund; for author-

izing the people of the eastern division of the territory northwest of the Ohio river (Ohio), to form a constitution and state government, and for admitting such state into the Union; authorizing the erection of certain lighthouses; and for altering and establishing certain postroads, and for the more secure carriage of the mail. The act passed in 1799, to augment the salaries of certain officers of government, was revived, and continued in force for two years.

An attempt was made to discontinue the mint establishment, on account of the great expense attending it, but the senate did not concur in the bill for that purpose which passed the house. A proposition for abolishing the navy department, and placing the concerns of the navy under the direction of the secretary of war also failed at this session. The disbanding of the provisional army, which had been ordered by the preceding Congress, operated to reduce very considerably the national expenses. But the act now passed to provide for the redemption of the public debt, was only nominal in its operations; new loans were effected, and the reduction of the debt by the act was only in theory, as the appropriations for expenses for 1802 were more than equal to the receipts of the previous year.

It was the policy of the party now in power, to attach odium to their opponents for the measures of preceding administrations, and to impress upon the public mind the idea that they were more anxious than their predecessors to secure the liberty and to lessen the burdens of the people. But, in many important particulars, the course pursued by former administrations, was still followed; the democratic party being satisfied with the possession of the control of the appointing power of the general government, and with the repeal of such prominent federal measures as they deemed unpopular. They were not, therefore, anxious to suggest new measures of a positive character.

The report of the new secretary of the treasury stated that the accounts of his federal predecessor in that department, also of the state, war, and navy departments, were correct; no delinquencies having occurred.

At the second session of the same Congress, which lasted from the 6th of December, 1802, to the 3d of March, 1803, no changes in the general policy of the administration being proposed by the president, but few acts of general interest were passed; the most important was a law to prevent the importation of negroes, mulattoes, or other persons of color (not being natives, citizens, or seamen of the United States, or seamen, natives of countries beyond the Cape of Good Hope), into any port of the United States within a state which had prohibited by law the admission of any such negro or person of color, under penalty of one thousand dollars and the forfeiture of the vessel in which such person was imported. The time had not then arrived when the importation of slaves was prohibited by the constitution, and this law was passed in conformity to the laws of certain states which had been passed to prohibit the importation of slaves

Another important act of this Congress, was one which authorized the president to call upon the executives of such of the states as he might deem expedient, for a detachment of militia, not exceeding eighty thousand, or to accept the services of any corps of volunteers, in lieu of militia, for a term of twelve months. Twenty-five thousand dollars were, by the same act, appropriated for the erection of arsenals on the western waters.

There was at this time much apprehension of a war with Spain, which induced Congress to take the measures of precaution abovementioned The disputes with the Spanish government respecting the southwestern boundary line of the United States, and the right of navigating the Mississippi, had often caused difficulties between the people of the west and southwest and the Spanish authorities and inhabitants of the Spanish territories. These affairs assumed a new aspect by the intelligence received in the United States in the spring of 1802, that Spain, by a secret treaty, in October, 1800, had ceded Louisiana to France. By a treaty with Spain, in 1795, that government had granted to the United States the right of deposite at New Orleans for three years, after which the privilege was either to be continued, or an equivalent place assigned on another part of the banks of the Mississippi. In October, 1802, the Spanish intendant declared, by proclamation, that the right of deposite at New Orleans no longer existed.

This measure caused much excitement among the people of the western states and territories in the valley of the Mississippi. Congress was beset from all quarters with complaints and statements of grievances. The excitement increased as soon as the petitioners heard the news of the cession to France, and, according to the generally-received opinion, the suspension had only taken place in consequence of the demand of the French government. The Spaniards, nevertheless, considered themselves masters of Louisiana, so long as the formalities of the cession to France were not fulfilled. By the terms of the treaty between Spain and France, Louisiana "was to be delivered up in its present state" to the French. This present state was believed to be the exclusion of the Americans from the port of New Orleans. Americans drew from this circumstance the inference that the Spanish intendant had not acted without orders, that the prohibition had been concerted between the two powers, to enforce which an army was then expected from France.

Mr. Jefferson had information of the cession of Louisiana to France, early in 1802, and wrote Mr. Livingston, United States minister to France, in April, 1802, giving his views on the subject. It was understood that the Floridas either were included in the cession of Louisiana, or would be added to it, a supposition which proved to be incorrect. The views of the president, as stated to Mr. Livingston, were, that if France took possession of New Orleans the United States must become allies of Great

Britain and antagonists of France. He then suggests, however, that if France considers Louisiana as indispensable to her interests, she may still cede to the United States the island of New Orleans and the Floridas. That this cession would, in a great degree, remove the causes of irritation, and at any time prevent the necessity of resorting to arrangements with Great Britain.

The cession of Louisiana to France, was first communicated to Congress by the president, in his annual message, in December, 1802, in which the subject is briefly noticed. It was, however, soon seized upon by the opponents of the administration, and resolutions were offered by Mr. Griswold, of Connecticut, in the house, calling upon the president for information respecting the cession of Louisiana; and in the senate, by Mr. Ross, of Pennsylvania, seconded by Gouverneur Morris, of New York, authorizing the president to take possession of such places in or near New Orleans as he deemed fit, and to call into service the militia of the adjoining states with the forces of the nation.

These resolutions were superseded by others, but the right of navigating the Mississippi was asserted by both houses, and a place of deposite insisted on.

The president seemed to think that it was the object of the federal party in Congress to force the country into a war with Spain, "in order to derange our finances," and if that could not be done, "to attach the western country to them, as their best friends, and thus get again into power." With a view of carrying his pacific policy into effect, he, on the 10th of January, 1803, appointed James Monroe, minister plenipotentiary to France, to act with Mr. Livingston in the purchase of New Orleans and the Floridas. The nomination of Mr. Monroe was confirmed by the senate, and Congress appropriated, at the request of Mr. Jefferson, two millions of dollars for the objects of the mission.

The instructions to Messrs. Monroe and Livingston only asked for the cession of the city of New Orleans and the Floridas; that the course of the Mississippi should be divided by a line that would put New Orleans within the territory of the United States, thus securing the free navigation of the river. Projects for the cession of the entire colony of Louisiana, were at that time neither popular, nor, if entertained by any, were they the subjects of much discussion.

Mr. Livingston, the American minister at Paris, was persuaded that the United States would never possess New Orleans by treaty, and that it ought to be taken by force. Mr. Monroe sailed from New York on the 8th of March, 1803, but as the object of his mission was kept secret, the public apprehension was not quieted.

Napoleon Bonaparte was then first consul of France. He supposed, when informed of the instructions to Monroe and Livingston, that those ministers were authorized, if necessary, to enter into more extended stip-

ulations in relation to the projected acquisition. Europe was then enjoying a momentary respite after the wars and revolutions she had undergone. But another war was about breaking out between France and England.

The Marquis de Marbois was directed by Napoleon to negotiate with the American ministers. "Irresolution and deliberation," said the first consul, "are no longer in season. I renounce Louisiana. It is not only New Orleans that I will cede; it is the whole colony, without any reservation. I know the price of what I abandon, and I have sufficiently proved the importance that I attach to this province, since my first diplomatic act with Spain had for its object the recovery of it. I renounce it with the greatest regret. To attempt to retain it would be folly. I direct you to negotiate this affair with the envoys of the United States. Do not even wait the arrival of Mr. Monroe: have an interview this very day with Mr. Livingston. But I require a great deal of money for this war, and I would not like to commence with new contributions. If I should regulate my terms, according to the value of these vast regions to the United States, the indemnity would have no limits. I will be moderate, in consideration of the necessity in which I am of making a sale. But keep this to yourself. I want fifty millions [francs], and for less than that sum I will not treat; I would rather make a desperate attempt to keep those fine countries. To-morrow you shall have full powers. Mr. Monroe is on the point of arriving. To this minister the president must have given secret instructions, more extensive than the ostensible authorization of Congress, for the stipulation of the payments to be made. Neither this minister nor his colleague is prepared for a decision which goes infinitely beyond anything that they are about to ask of us. Begin by making them the overture without any subterfuge. You will acquaint me, day by day, hour by hour, of your progress. The cabinet of London is informed of the measures adopted at Washington, but it can have no suspicion of those which I am now taking. Observe the greatest secresy, and recommend it to the American ministers; they have not a less interest than yourself in conforming to this counsel. You will correspond with M. de Talleyrand, who alone knows my intentions. If I attended to his advice, France would confine her ambition to the left bank of the Rhine, and would only make war to protect any dismemberment of her possessions. But he also admits that the cession of Louisiana is not a dismemberment of France. Keep him informed of the progress of this affair."

The conferences began the same day, between Mr. Livingston and M. Barbé Marbois, to whom the first consul confided this negotiation. But the American minister had not the necessary powers. He had resided at Paris about two years. The first object of his mission had been indemnities claimed by his countrymen for prizes made by the French during peace. The vague answers, and even the expectations that had been held out to him, had been attended with no result. Having, therefore, become

distrustful, Mr. Livingston feared that the overtures relating to Louisiana were only an artifice to gain time. He received, without putting entire confidence in it, the overture which was made to him by Marbois, of a cession of the whole province. However, after some discussion on a sum that was vaguely brought forward, he refused to go beyond thirty millions of francs, saving an augmentation of this price by the amount of the indemnity to be given for the prizes taken from the Americans in time of peace. He was, indeed, unwilling to agree upon so high a price, unless the stipulation was accompanied by a clause of not making any payments till after the ratification by Congress.*

These preliminary discussions were scarcely entered upon, when information was received of the arrival of Mr. Monroe at Havre. Mr. Livingston, who, Marbois says, was always inclined to feel distrust, in consequence of the many deceptions that had been previously practised upon him, wrote to Mr. Monroe on the 10th of April, to whom he says: "I congratulate you on your safe arrival. We have long and anxiously waited for you. God grant that your mission may answer your and the public expectation. War may do something for us, nothing else would. I have paved the way for you, and if you could add to my memoirs an assurance that we were now in possession of New Orleans, we should do well."

Mr. Monroe arrived at Paris on the 12th of April, 1803. "I wish," said Mr. Livingston to him, "that the resolution offered by Mr. Ross, in the senate, had been adopted. Only force can give us New Orleans. We must employ force. Let us first get possession of the country, and negotiate afterward." Mr. Monroe, anxious, though not discouraged, began his conferences the next day, with M. de Marbois. The powers of which he (Monroe) was the bearer, were common to him and Mr. Livingston. The French and American ministers had an equal interest in not allowing the negotiation to linger; it had at last a central point, and made rapid progress. The first difficulties were smoothed by a rare circumstance. The plenipotentiaries, having been long acquainted, were disposed to treat one another with mutual confidence. Marbois had been engaged for thirty-five years in public affairs of great importance. He had, during the whole war of the American revolution, resided near the Congress. The affairs of America had long been familiar to him, and two years and a half of exile to Sinnamari had made him still better acquainted with the wants and general condition of the French colonies.

The three negotiators had seen the origin of the republic of the United States, and for a long time back their respective duties had established between them an intercourse on public affairs, and an intimacy which does not always exist between foreign envoys and the ministers of the powers to whom they are sent. This good understanding of the plenipotentiaries

* Marbois's History of Louisiana.

did not prevent their considering it a duty to treat, on both sides, for the conditions most advantageous to their respective countries.

Mr. Monroe did not hear without surprise the first overtures that were frankly made by M. de Marbois. Instead of the cession of a town and its inconsiderable territory, a vast portion of America was offered to the United States. They only asked for the mere right of navigating the Mississippi, and their sovereignty was about to be extended over the largest rivers of the world. They passed over an interior frontier to carry their limits to the great Pacific ocean.

Deliberation succeeded to astonishment. The two joint plenipotentiaries, without asking an opportunity for concerting measures out of the presence of the French negotiator, immediately entered on explanations, and the conferences rapidly succeeded one another.

The negotiation had three objects: First, the cession, then the price, and finally, the indemnity due for captures by the French of American vessels and cargoes. The subject of the cession was first considered. The full powers of the American plenipotentiaries only extended to an arrangement respecting the left bank of the Mississippi, including New Orleans. It was impossible for them to have recourse to their government for more ample instructions. Hostilities were on the eve of commencing between France and England. The American envoys had not to reflect long to discover that the circumstances in which France was placed, were the most fortunate for their country.

M. de Marbois, from whose history of the cession of Louisiana we have taken the above particulars, then goes on to state, that the American ministers having assumed the responsibility of treating for the purchase of the entire colony, instead of a part only of the same, the terms were soon agreed upon between the negotiators.

The assent of Spain to this negotiation was deemed necessary, as that power had reserved, by the treaty of October 1, 1800, a right of preference, in case of cession by France. But the delays which would have been occasioned by sending from Paris to Madrid, with the usual tardiness in the deliberations of the Spanish cabinet, would have led to a total failure of the negotiation. The treaty was, therefore, not communicated to the Spanish ministry till after its conclusion. They complained bitterly of the little regard that had been paid to a right that was reserved to Spain, and for nearly a year it was impossible to obtain from that court an approbation of the treaty. Finally, on the 10th of February, 1804, Don Pedro Cavallos, the Spanish minister, wrote to Mr. Pinckney, minister of the United States, that "his catholic majesty had thought fit to renounce his opposition to the alienation of Louisiana made by France, notwithstanding the solid reasons on which it is founded: thereby giving a new proof of his benevolence and friendship to the United States."

Two important conventions signed the same day by the American and

French negotiators, were annexed to the treaty, as well as referred to in it. The first related to the payment of the price of the cession. The first consul [Bonaparte], supposing that he carried his valuation very high, had said that he calculated on fifty millions of francs. The French plenipotentiary [Marbois], without entering into any explanation with him, considered this estimate a good deal too low, and, as soon as the price became the subject of conference, stated that it was fixed at eighty millions, and that it would be useless to propose a reduction.

The American plenipotentiaries could not have foreseen that the negotiation would become so important, and they were without special powers to consent to pay the price that was demanded. "Our fellow-citizens," said Mr. Livingston, "have an extreme aversion to public debts; how could we, without incurring their displeasure, burden them with the enormous charge of fifteen millions of dollars?"

M. de Marbois, on his part, insisted upon the first demand of eighty millions, and said, that for the United States, this was a sum very much below the true value of these immense territories.

The two plenipotentiaries finally acquiesced, on condition that twenty millions out of the eighty should be employed in a manner settled by a special convention. This became the third instrument in the negotiation. The cession of Louisiana afforded the means of realizing promises made by the French government, that had been long illusory, namely, to pay the claims of Americans arising from requisitions, seizures, and captures of ships, made in time of peace. The American negotiators consented to pay eighty millions of francs for Louisiana, on condition that twenty millions of this sum should be assigned to the payment of what was due by France to the citizens of the United States.

The payment of the sixty millions of francs to the French government was made through Messrs. Hope and Labouchere, of Amsterdam, and Barings, of London, as no French banker was willing to become the medium of so considerable a pecuniary transaction. The terms agreed on, as well for the payment of what was due to the French treasury, as for the indemnity to the American merchants, were punctually observed. For the payment of the sixty millions, it was agreed that the government of the United States was to create a stock of eleven millions two hundred and fifty thousand dollars, bearing an interest of six per cent. per annum, payable half-yearly in London, Amsterdam, or Paris; the principal of the said stock to be reimbursed at the treasury of the United States in annual payments of not less than three millions of dollars each; of which the first payment was to commence fifteen years after the date of the exchange of ratifications; the stock to be transferred to the government of France, or their agents, in three months after the exchange of the ratifications of the treaty, and after Louisiana should be taken possession of by the United States.

The treaty was concluded on the 30th of April, 1803, and the respective instruments which, were drawn up in French and English, were signed by the three ministers four days afterward. Two months had not then elapsed since Mr. Monroe had sailed from New York for France. As soon as they had signed the important papers, the negotiators rose and shook hands, when Mr. Livingston, expressing the general satisfaction, said: "We have lived long, but this is the noblest work of our whole lives. The treaty which we have just signed has not been obtained by art, or dictated by force; equally advantageous to the two contracting parties, it will change vast solitudes into flourishing districts. From this day the United States take their place among the powers of the first rank; the English lose all exclusive influence in the affairs of America."

The first consul had followed with a lively interest the progress of this negotiation. It will be recollected that he had mentioned fifty millions as the price which he would put on the cession; and it may well be believed that he did not expect to obtain so large a sum. He learned that eighty millions had been agreed on; but that they were reduced to sixty, by the stipulation for American claims on France. To this he at first objected, but being brought to recollect that he had consented to a much smaller sum, he said to Marbois: "It is true, the negotiation does not leave me anything to desire: sixty millions for an occupation that will not, perhaps, last for a day! I would that France should enjoy this unexpected capital, and that it may be employed in works beneficial to her marine. This accession of territory strengthens for ever the power of the United States; and I have just given to England a maritime rival that will sooner or later humble her pride."

Hostilities commenced between France and England on the 22d of May, 1803, by the capture of some French merchant-vessels. On the same day, Bonaparte gave his ratification to the treaty of cession of Louisiana, without waiting for that of the United States. It was important that the accomplishment of this formality on the part of France, should not leave any ground for considering the colony as still French. The ratifications, and their exchange, it was presumed, could experience no delay at Washington; and after these proceedings, and the delivery of possession to the United States, any attempt of the English on Louisiana would have been directed against a province of the American union.

The treaty was received in the United States in July, and was ratified by the senate on the 20th of October, 1803, by 24 votes to 7. It was opposed by the federal party generally, and principally on two grounds, namely, First, that the territory of the United States was already abundantly sufficient for one government of a republican character, and that that there were immense tracts of wild lands to be filled up east of the Mississippi; secondly, that the purchase of Louisiana was unconstitutional; and that if the provisions and plain meaning of the national compact were violated

or disregarded, it would prove a most injurious precedent. The government, it was said, might as well purchase Canada, Nova Scotia, Mexico, or Cuba. "There were," says Bradford, "probably some party prejudices operating to produce or reiterate these objections, and to represent the act as at once arbitrary and unconstitutional. The purchase was long a topic of dispute between the friends and the opponents of the administration." Some of the leading federalists, of enlarged views, however, approved of the measure. Among these may be named Gouverneur Morris, whose opinions on this subject have been confirmed by the national experience.

The area of the country thus ceded, according to the claims of France, and the estimate of Mr. Jefferson, exceeded a million of square miles; but all, except a very small proportion of it, was occupied by savages, its natural proprietors. Its inhabitants were principally French, and descendants of French, with a few Spanish creoles, Americans, English, and Germans. The whole number amounted to 80,000, or 90,000 inhabitants, including about 40,000 slaves.

The preceding statements confirm the remarks of Mr. Tucker, in his life of Jefferson: "The American ministers, instead of merely purchasing New Orleans and the Floridas, as had been the first and main object of Mr. Jefferson, were able to effect a purchase of all Louisiana, equal in extent to the whole previous territory of the United States. They owed their good fortune to the war which was so suddenly renewed between France and England, when the government of France, convinced that the possession of Louisiana would soon be wrested from her by the superior naval power of England, readily consented to make sale of it to a third power, and the rather, as the purchase-money was particularly acceptable to France at that time. If fortune had a full share of agency in this acquisition, it is no small praise to the administration that they had foreseen the probability of the result, and had promptly and skilfully availed themselves of the occasion so as best to secure and promote the aggrandizement of their country."

Mr. Jefferson did not think that the constitution authorized this addition to the territory of the United States, and he considered that it would be necessary to obtain a special amendment for that purpose. In a letter to Mr. Breckenridge, he remarks: "The constitution has made no provision for our holding foreign territory, still less for incorporating foreign nations into our Union. The executive, in seizing the fugitive occurrence which so much advances the good of their country, have done an act beyond the constitution. The legislature, in casting behind them metaphysical subtleties, and risking themselves like faithful servants, must ratify and pay for it, and throw themselves on their country for doing for them unauthorized, what we know they would have done for themselves, had they been in a situation to do it. But we shall not be disavowed by the nation,

and their act of indemnity will confirm and not weaken the constitution, by more strongly marking out its lines."

The contemplated amendment to the constitution, or "act of indemnity," as Mr. Jefferson calls it, never took place. The treaty received the sanction of the government in its different branches, and the measure was so generally acquiesced in by the people, that after a time it ceased to be a disputed question, either of constitutionality or expediency.

Mr. Jefferson suggested that the less that was said about any constitutional difficulty, the better; and that it was desirable for Congress to do what was necessary in silence. This caution was probably dictated from an apprehension of the effect of such discussions in France, the government of which, as the American ministers were informed, showed a disposition to declare the treaty void, if any pretext were furnished by the United States.

The president, with a view to provide for carrying the Louisiana treaty into effect, called Congress together on the 17th of October, 1803, about three weeks earlier than the day that had been previously fixed by the preceding Congress, when they adjourned in March, 1803.

This was the eighth Congress, and there was a large democratic majority in both branches. Nathaniel Macon, of North Carolina was again chosen speaker of the house.

The treaty was ratified by the senate on the 20th of October, by a vote of 24 to 7, and on the 22d it was officially communicated to both houses, that they might provide for its execution. An act of Congress was passed within fourteen days of the time of assembling, making provision for the occupation and temporary government of Louisiana, under the authority of the president; and eleven millions of dollars were appropriated as the purchase money—the remaining four millions being reserved for the indemnity of American citizens who had sustained losses by French spoliations on our commerce. The general resolution for carrying the treaty into effect, was adopted in the house of representatives by a vote of 90 to 25; and the resolutions for a provincial government and for the appropriation required for the purchase, were passed without a division.

At an early day of this session of Congress, an amendment to the constitution of the United States was proposed, relative to the election of president and vice-president, so as to designate which person was voted for as president, and which as vice-president; instead of the original article, which required the electors to vote for two persons for these offices, of whom the one who had the highest number of votes was to be president. The amendment was proposed by the republicans, to provide against the disappointment which had threatened them at the election in 1801, and which had caused so much bitterness of feeling. The federalists opposed the amendment as an unwise departure from the spirit and design of the

constitution, which was, that two persons, fully qualified for the office of chief magistrate, should be voted for, without a specific and exclusive designation of one to the presidency; and thus in case of the death of one, the other, who would succeed, would be equal to the discharge of the high trust. But the political friends of the president were resolved to prevent the recurrence of a similar difficulty with that which had hazarded the choice of Mr. Jefferson in 1801. They also urged in favor of the proposed alteration of the constitution that it was more simple, direct, and proper, to designate which candidate was intended to be president, by the votes of the electors.

The amendment was agreed to, by the votes of two thirds of the members of both branches of Congress, and within the year 1804 it was ratified by the legislatures of three fourths of the several states, as required by the constitution. Thirteen states were in favor of it, and three states only, namely, Massachusetts, Connecticut, and Delaware, disapproved of the change. This amendment, which forms the 12th article of the amendments to the constitution, was announced by the secretary of state, in a public. notice dated the 25th of September, 1804, as having been duly adopted and ratified.

At this session of Congress the salaries of the principal officers of the government were raised nearly twenty per cent. Additional duties were imposed on imports to defray the expenses of the naval establishment then required in the Mediterranean to protect American commerce from the piratical cruisers of Tripoli. The United States navy employed in that sea was small in force, but effectual in checking the operations of the pirates of that quarter. The American officers and men gained much reputation by their valor and good conduct in the contest with Tripoli.

An additional law was passed by Congress on the subject of the naturalization of aliens, and the time of residence required previous to their becoming citizens was placed on its original footing of five years, instead of fourteen. The federalists opposed this law, as they deemed it unreasonable to admit foreigners to all the rights of those born and educated in the United States, until they had resided a longer time in this country, while they were readily allowed protection and equal justice. By a law passed in March, 1804, respecting Louisiana, two separate governments were established in that territory, to be organized as the president might direct.

Judge Pickering, of the district court of the United States for New Hampshire, was impeached before the senate by the house of representatives at this session. The charges against him being proved, showing his unfitness for conducting the business of the court, in consequence of occasional intoxication, he was found guilty, and dismissed from office. The house of representatives also decided to prepare articles of impeachment against Judge Chase, of Maryland, of the supreme court of the United

States, and against Judge Peters, of Pennsylvania, of the United States district court. A committee was appointed to draw up articles in form, but the subject was postponed to the next session.

The friends of the judiciary system and of the independence of the courts, were alarmed at these proceedings, which they thought indicated a disposition in the democratic party to seek occasions to attack the judges and render them odious to the people. Judge Peters was charged with arbitrary and illegal conduct, and the facts alleged were considered fully proved, but his intended impeachment was not further prosecuted. The charges against Judge Chase were for similar oppressive and arbitrary conduct in the trial of a person indicted for treason, and for displaying malignant and party feelings on several occasions, particularly in the trial of a person in Virginia, under the sedition act. The trial before the senate, at the next session, on this impeachment, resulted in the acquittal of the judge.

The bankrupt law which had been enacted under Mr. Adams's administration, was repealed at the first session of the eighth Congress, at the instance, it is believed, of Mr. Jefferson, and certainly with his hearty concurrence, as we are informed by his biographer, Mr. Tucker. As this law authorized a majority of the creditors to discharge a bankrupt trader from all his preceding debts, it was regarded by many of the other classes of the people as an invidious privilege to the mercantile community; especially in the southern states, where the agricultural pursuits are predominant. It was, for this and other reasons, not viewed with favor by a large portion of the people, although many approved of the law, which they considered necessary in a commercial nation like the United States. The question on the repeal was carried in the house of representatives by 99 votes to 13. On the 27th of March, 1804, Congress adjourned, after a session of 163 days.

President Jefferson had, in a confidential message to Congress, in January, 1803, recommended an appropriation for defraying the expense of an exploring expedition across the continent to the Pacific ocean, which appropriation was made, and the enterprise was placed under the direction of Captains Lewis and Clarke. This suggestion was made before the acquisition of Louisiana by the United States, and it had long been a favorite object with Mr. Jefferson to explore this part of North America. Before the expedition was ready to start, however, the treaty with France had been ratified. The exploring party consisted of thirty individuals, including the two leaders, and left the banks of the Mississippi for the Pacific on the 14th of May, 1804. Mr. Jefferson himself prepared the instructions for Captain Lewis, which were drawn up with much wisdom and forecast. The expedition was eminently successful in geographical discoveries, and furnished the first particular information respecting the extensive country between the Mississippi and the Pacific

ocean. The exploring party was absent on this service about two years and three months.

The difficulties with Spain had been of long continuance, and related principally to claims to territory on the Mississippi, and numerous spoliations by Spain on American commerce. Some of the people of the United States were in favor of a war with Spain at this period, but pacific counsels prevailed. The objections Spain had made to the Louisiana treaty had been withdrawn, but new difficulties arose in attempts to negotiate a treaty respecting the boundaries and other matters in dispute.*

The presidential election coming on in 1804, Mr. Jefferson was nominated for re-election, and George Clinton, of New York was placed on the ticket with him as a candidate for vice-president, in place of Colonel Burr, who had lost the confidence of the democratic party, which had elected him in 1801. The federalists nominated Charles Cotesworth Pinckney, of South Carolina, for President, and Rufus King, of New York, for vice-president. The result showed the great popularity of Mr. Jefferson's administration; the republican candidates receiving 162 votes, and the federal candidates but 14.

The war with Tripoli was brought to a close by the vigor and energy displayed by the American squadron in the Mediterranean; five frigates having been sent to that quarter in 1804, under the command of Commodore Preble, who soon brought the bey to terms, and peace was restored.

The second session of the eighth Congress commenced on the 5th of November, 1804, and terminated with the expiration of Mr. Jefferson's first term, on the 3d of March, 1805. The public debt had been increased by the purchase of Louisiana; and the Mediterranean fund, or extra duties on imports, was continued, to pay the expenses of the war with Tripoli. For the defence of the American seacoast, the president recommended the gunboat system, which in fact had been commenced in 1803, by an act of Congress authorizing a certain number of gunboats to be built. More of these vessels were now advised by the president, as the cheapest and most effectual means of defence for the harbors of the United States. Congress, neither fulfilling the wishes of the executive, nor altogether resisting them, gave Mr. Jefferson the means of partially trying his favorite scheme, by the appropriation of sixty thousand dollars.

The sufficiency of this species of naval defence occasioned a good deal of discussion at this time, between the opponents and the supporters of the administration. A navy had been vehemently opposed by the republican party during Mr. Adams's presidency, as altogether unsuited to the means of the United States, as inadequate to its defence, and more injurious to their commerce by involving the country in war, than by any protection it could afford. In the meanwhile, the insults to which our

* Bradford.

merchant ships and seamen were exposed on the ocean, made the commercial states call aloud for some measure of protection. It is probable that these circumstances had an influence in recommending this cheap marine, which promised some defence to our harbors and coasts, and which at the same time did not subject the party in power to the charge of inconsistency. But the scheme was vehemently assailed by the adversaries of Mr. Jefferson, in every form of argument and ridicule, and was triumphantly adduced as a further proof that he was not a practical statesman. The officers of the navy were believed to be, with scarcely an exception, opposed to the system of gunboats, especially those who were assigned to this service. To stem the current of public opinion, which set so strong against these gunboats, and to turn it into their favor, Mr. Jefferson prevailed on Thomas Paine to become their advocate through the newspapers. He set about it with his wonted self-confidence but in spite of his logic, the public, pinning its faith on experienced men, remained incredulous, and when, soon afterward, many of the new marine were driven ashore in a tempest, or were otherwise destroyed, no one seemed to regard their loss as a misfortune; and the officers of the navy did not affect to conceal their satisfaction; nor has any attempt been since made to replace them.*

During this session of Congress there was far less of free and independent discussion on the measures proposed by the friends of the administration, than had been previously practised in both branches of the national legislature. It appeared that on the most important subjects, the course adopted by the majority was the effect of caucus arrangement, or, in other words, had been previously agreed upon at meetings of the democratic members held in private. Thus the legislation of Congress was constantly swayed by party feelings and pledges, rather than according to sound reason or personal conviction. Two important laws were passed at this session, intended to prevent the hostile and predatory acts of persons on board of foreign vessels in the harbors and ports of the United States; and to regulate the clearance of armed American merchant vessels.†

The second presidential term of Mr. Jefferson commenced on the 4th of March, 1805. On that occasion he delivered an inaugural address before the members of Congress and other citizens. He reminds them of the declarations, when he entered on the office of president four years before, of the principles on which he should administer the government, and that his conscience told him he had acted up to them, according to their fair import. He adverts to the liberal principles pursued in our foreign relations, and their success. "We are firmly convinced," he says, "and we act on that conviction, that with nations, as well as individuals, our interests, soundly calculated, will ever be found inseparable from our

* Tucker's Life of Jefferson. † Bradford.

moral duties." He speaks with exultation of the reduction of taxes and suppression of unnecessary offices, and yet with a revenue, which is levied on foreign luxuries, and paid by wealthy consumers, is sufficient to defray the expenses of the government, to fulfil contracts with other governments and the Indians, and to afford a surplus sufficient to redeem the public debt within a short period. That the revenue, when thus liberated, may by a just repartition among the states, and a correspondent amendment to the constitution, be applied, *in time of peace*, to "rivers, canals, roads, arts, manufactures, education, and other great objects, in each state, and *in time of war*, it may meet all the annual expenditure within the year. He suggests that the newly-acquired territory will pay for itself before we are called upon to pay the purchase money. He notices and answers the objection that our territory has thereby been too much enlarged. He speaks of the condition of the Indian tribes as imposing new duties both on our justice and humanity—says that now being reduced within limits too narrow for the hunter's state, they should be taught agriculture and the domestic arts, and thus be prepared for civilized society; that their own prejudices present great obstacles to this change, for they too "have their anti-philosophers," who dread reformation.

In presenting the foregoing outline of his administration, he disclaims arrogating to himself the merit of the measures which, he says, is due to the character of his fellow-citizens, their representatives in Congress, and his associates in the executive department. Adverting to the virulence of the press against him, he says that the punishment of the offenders had been left altogether to the public indignation; that the experiment thus made whether "freedom of discussion, unaided by power, was not sufficient for the protection and propagation of truth, had proved successful;" that our fellow-citizens, when called to decide the question by their suffrage, "had pronounced their verdict, honorable to those who had served them, and consolatory to the friend of man, who believes he may be intrusted with his own affairs." He disclaims making any objections to the laws of the states against defamatory publications, which he thinks may exercise a salutary coercion; and in allusion to the sedition laws, says that they draw the only definite line between the inestimable liberty of the press and its demoralizing licentiousness. "If," he remarks, "there is any impropriety which the state laws can not reach, the defect may be supplied by the censorship of public opinion." He congratulates the country on the union of sentiment lately manifested, and anticipates that those who have not yet rallied to the same point, have an increasing disposition to do so; in the meantime, forbearance is inculcated. He speaks with confidence of the principles which will govern him in his future administration. He is sensible of no passion which could "seduce him knowingly from the path of justice, but being liable to err,

from the weakness of human judgment, he should need their continued indulgence, and not the less for his increasing years."

In the election for members of Congress, the preponderance of the democratic party was not as great as in the election of president. Of 142 members of the house of representatives, about 40 were federalists, and subsequent events caused the latter to be occasionally joined by a section of dissatisfied republicans; still the administration was enabled generally to sustain its measures by a majority of both houses.

The ninth Congress assembled on the 2d of December, 1805, when Mr. Macon, of North Carolina, was for the third time elected speaker. Three days after the annual message of the president was communicated to Congress, he sent in a confidential message on the subject of our relations with Spain, the controversies with that power still remaining unsettled. This message was referred to a select committee, of which Mr. John Randolph, of Virginia, was chairman, and by the proceedings on this subject, it soon became evident that Mr. Randolph, who had been considered a leader in the ranks of the democratic party in the house, was no longer to be relied on as a supporter of the administration.

The cause of this gentleman's defection and opposition (as we are informed by Mr. Tucker, in his life of Jefferson), was his displeasure at the refusal of the president to appoint him minister to England; an office unsolicited by Mr. Randolph himself, but applied for by some of the Virginia delegation in Congress, who urged the executive to give him the appointment. When the application and rejection were made known to Mr. Randolph, he was deeply offended, and was soon found in the ranks of the opposition, the public referring his change to his resentment.

On the 3d of January, 1806, the select committee, of which Mr. Randolph was chairman, made a report declaring that the aggressions of Spain afforded ample cause of war, but that peace was the policy and interest of the United States, and they hoped that Spain would find motive for fulfilling her engagements, and preserving her friendly relations with the United States. Yet, as their territory had been insulted, the committee submitted a resolution—that such a number of troops as the president should deem sufficient to protect the southern frontier, be immediately raised.

On the same day a resolution was submitted by Mr. Bidwell, of Massachusetts, a prominent democratic member—that an appropriation be made for the purpose of defraying any extraordinary expenses that might be incurred in the intercourse between the United States and foreign nations, to be borrowed and applied under the direction of the president.

The first resolution was deemed by the administration and its friends, likely to involve the nation in a war with Spain, and eventually with France; and the second was suggested as the means of preventing such a result, by enabling the president to purchase Florida. After a warm

debate in secret session, until the 11th of January, the first resolution, for raising troops, was rejected, by a vote of 72 against it to 58 in its favor. The minority was made up of the federal members, and some fifteen or twenty democrats.

Mr. Bidwell's resolution, respecting the appropriation for the purchase of Florida, finally passed, after much debate, and the sum appropriated was two millions of dollars.

The secret debate continued to the 6th of February, during which the minority so far prevailed as to obtain a declaration of opinion that "an exchange of territory between the United States and Spain would be the most advantageous mode of settling the existing differences about their respective boundaries," to which arrangement it was asserted the president was opposed. The vote, however, in favor of the resolution, was 80 to 52.

The course of Mr. Randolph, who carried a few of the republican party with him, created, at first, a sudden alarm and confusion among those who remained firm in the administration ranks. They, however, soon rallied, and continued in unbroken phalanx for the remainder of Mr. Jefferson's term. The opposition, however, reinforced by the acquisition of Mr. Randolph and his friends, assailed the administration at every point, and often created embarrassment, when they were unable to produce defeat.

The interruptions to American commerce by Great Britain, on the ground that a neutral can not carry on a trade in time of war which is not permitted to it in peace, had excited great feeling throughout all the commercial states; and most of the principal towns had memorialized Congress or the executive on the subject. The continued impressment of American seamen afforded a further cause of complaint. The president having, on the 17th of January, sent a message to Congress on these subjects, with the memorials received by the executive, various propositions were submitted relative thereto, in the house of representatives. On the 17th of March, the house agreed to the policy of prohibiting the importation of specific articles of British growth or manufacture, by a vote of 87 to 35, the federalists generally voting in the minority. The bill laying this prohibition passed the house on the 28th of March, by a vote of 93 to 32—federalists, with Mr. Randolph and two or three of his friends, constituting the minority. On the 15th of April it passed the senate, by a vote of 19 to 9. The prohibition was to take effect on the 11th day of November.

A bill was also passed interdicting all intercourse with the French part of the island of Hayti, which had been revolutionized by the blacks. The sum of one hundred and fifty thousand dollars was appropriated for fortifying the ports and harbors of the United States, and two hundred and fifty thousand dollars for building gunboats.

The other important measures were of a domestic character. Of these the first in importance as a precedent and as a measure of utility, was the act for the construction of a national road from Cumberland, in Maryland, to the state of Ohio, which passed on the 24th of March, 1806, by a vote of 66 to 50. It was opposed on the constitutional ground that the power of making roads was not given to Congress; but to obviate this objection, the consent of the states through whose territories the road was to pass (Maryland, Virginia, and Ohio) was first required. Yet if Congress had not the power of making roads, as was contended, the consent of these states could not give it.* The bill passed, however, with the approval of President Jefferson, but the question continued to be long afterward a subject of controversy between those who were severally disposed to a strict, and a liberal construction of the constitution.

Congress adjourned on the 21st of April, after a most animated and contentious session, the house of representatives having been the scene of constant bickering between the three parties into which it was divided, owing to the schism in the republican or democratic party, already referred to. Those democrats who acted with Mr. Randolph, differed from the administration on some leading points of foreign policy, but while they voted with the federalists on these questions, and on some collateral points, they took especial care not to be considered by the nation as being merged in the federal party, not only by their general declarations, but by their votes on all questions not involving the policy of the administration, on which occasions they concurred with the republicans. This party consisted principally of members from Virginia, and were all personally intimate with Mr. Randolph. This same party afterward received a great accession of strength in Virginia, by bringing forward Mr. Monroe as a candidate for the presidency, in opposition to Mr. Madison, and it was not until the reconciliation of these gentlemen, by the good offices of Mr. Jefferson, that its ranks were broken as a party, and that some of the scattered fragments united with the federalists, in opposition to the war and all the leading measures of the administration which preceded it.†

Immediately after the decision of Congress to appropriate two millions of dollars for the purchase of Florida, the president appointed General Armstrong, of New York, and Mr. Bowdoin, of Massachusetts, joint commissioners to effect, if practicable, a treaty, and an amicable settlement at Paris of all matters of dispute with Spain; the affairs of that power being then closely connected with those of France. The negotiation respecting the purchase of Florida having failed, the money appropriated for that purpose was never drawn from the treasury. The Hornet sloop-of-war was despatched to France with letters of credit, to be used, if wanted, by the American ministers at Paris, for the purchase of Florida, which gave rise to a report in the United States, that two millions in specie

* Tucker's Life of Jefferson. † Ibid.

were carried to France in that vessel, and actually paid to Bonaparte, without any consideration whatever. There was a want of cordiality between the two American ministers at Paris, Messrs. Bowdoin and Armstrong, which gradually ripened into an open collision. Mr. Monroe (who had, after negotiating the Louisiana treaty with France, in 1803, been appointed minister to Great Britain, to succeed Mr. Rufus King) was called upon, in 1805, to join Mr. Charles Pinckney, the resident minister at Madrid, for the purpose of settling with Spain the disputed question of the boundaries of Louisiana. After spending five months with his colleague, Mr. Pinckney, at Madrid, in unavailing efforts to settle the disputes with Spain, Mr. Monroe returned to London in June, 1805. In May, 1806, Mr. William Pinkney, of Maryland, was associated with Mr. Monroe in the negotiation then in progress with Great Britain.

In his private correspondence with Mr. Monroe at this time, Mr. Jefferson expressed a desire for a permanent peace with England. Mr. Fox, the leader of the whig party, being then a member of the British cabinet, Mr. Jefferson wrote to Mr. Monroe as follows: "The late change in the ministry I consider as insuring us a just settlement of our differences, and we ask no more. In Mr. Fox, personally, I have more confidence than in any man in England, and it is founded in what, through unquestionable channels, I have had opportunities of knowing of his honesty and good sense. While he shall be in the administration, my reliance on that government will be solid. We had committed ourselves in a line of proceeding adapted to meet Mr. Pitt's policy and hostility, before we heard of his death [alluding to the non-importation law], which self-respect did not permit us to abandon afterward. It ought not to be viewed by the ministry as looking toward them at all, but merely as the consequences of the measures of their predecessors, which their nation has called on them to correct. I hope, therefore, they will come to just arrangements. No two countries upon earth have so many points of common interest and friendship; and their rulers must be great bunglers indeed, if, with such dispositions, they break them asunder. The only rivalry that can arise is on the ocean. We ask for peace and justice from all nations, and we will remain uprightly neutral in fact, though leaning in belief to the opinion that an English ascendency on the ocean is safer for us than that of France."

In the year 1806, the public mind was much excited by the expedition of Colonel Burr in the western country, which was supposed to have had for its object the dissevering of the Union and the establishment of an independent government west of the Allegany mountains. But the circumstances which were disclosed at his trial seemed rather to indicate an expedition against the Spanish provinces of Mexico and adjoining territories. Burr was arrested near Fort Stoddard, on the banks of the Tombigbee river, then in the Mississippi territory, in February, 1807, and

thence conducted as a prisoner to Richmond, Virginia, where he was indicted by the grand jury, for high treason, in June following. He was put on trial, before Judges Marshall and Gilpin, and acquitted in August of the same year. The verdict was, "We of the jury say, that Aaron Burr is not proved to be guilty under this indictment, by any evidence submitted to us. We therefore find him not guilty." Burr was tried at the same court on an indictment for misdemeanor, and acquitted.

The second session of the 9th Congress lasted from the first of December, 1806, to the 3d of March, 1807. The president informed the house that the negotiation with Great Britain was proceeding in a spirit of accommodation, since the delay occasioned by the death of the British minister (Mr. Fox) charged with that duty. He mentioned that the American ministers at London (Monroe and Pinkney) had suggested that a temporary suspension of the non-importation act would have a happy effect on the course of the negotiation. In pursuance of this recommendation, a bill was passed in the house on the 6th of December, with only five dissentients, to suspend the act to the 1st of July, and amended in the senate so as to authorize the president to suspend it to the second Monday in December succeeding.

An appropriation of one hundred and fifty thousand dollars was voted by the house for building thirty gunboats—ayes 68, noes 36. In conformity with the recommendation of the president, a law was passed to prohibit the African slave-trade after the 1st of January, 1808. The tax on salt was repealed, and the extra duties for the Mediterranean fund were continued. Congress also made a liberal compensation to Captains Lewis and Clarke and their companions, in donations of land, for their services in the important expedition across the Rocky mountains to the Pacific.

In the negotiation of a treaty with Great Britain, Mr. Fox, while in the cabinet, but a short time before his death, was prevented by indisposition from taking part, and before it had made much progress the nation was called upon to mourn for his decease. As Mr. Jefferson anticipated a complete change of ministry from this event, with his hopes of a successful negotiation greatly moderated, he thought it prudent to give more explicit instructions to the American envoys. They were therefore informed of his views on the subjects of impressments, neutral commerce, blockades, East and West India trade, and indemnification; and they were instructed not to enter into any treaty which did not provide some security against the impressment of American seamen. These despatches were, however, too late. They were dated the 3d of February, 1807, and a treaty was signed in London on the 31st of December preceding, by Messrs. Monroe and Pinkney on the part of the United States, and on the part of Great Britain by Lords Holland and Aukland.

The day before Congress rose, the president received from Mr. Erskine, the British minister at Washington, a copy of the treaty, and it fell so far

short of what he conceived to be the just claims of the United States, as well as of his instructions, that he decided at once on not submitting it to the senate, but to try the effect of further negotiation. Besides other objections, there were two that were insuperable. These were, that the treaty contained no provision whatever on the subject of impressment; and because it was accompanied by a note from the British ministers, by which the British government reserved to itself the right of releasing itself from the stipulations in favor of neutral rights, if the United States submitted to the Berlin decree, or other invasion of those rights by France.

The treaty consisted of twenty-six articles, and confirmed the permanent and unexpired articles in Mr. Jay's treaty of 1794. On the subject of the rights of neutrals, and some other points, the two treaties were substantially the same. One of the new features in the treaty of 1806, was, that Great Britain consented that the United States should have a circuitous trade with the colonies of her enemies during the existing hostilities. This treaty was more favorable to the United States than that of 1794, in some respects, and less advantageous in limiting the trade to the British colonies in India to direct voyages, and in providing no compensation for illegal captures. Mr. Tucker, in his life of Jefferson, remarks, that as a treaty of navigation and commerce it was not better than that negotiated by Mr. Jay; and that Mr. Jefferson could not, with any regard either to the equal rights of his country, or to his own consistency, have given it the sanction of his approbation, even had it been free from the two insuperable objections that have been mentioned.

The course of the president, in rejecting the treaty with Great Britain, was soon publicly known, and caused great excitement throughout the nation. The commercial community particularly, regretted the rejection of the treaty, and the federal party were loud in their denunciations of the president, on public occasions, in conversation, and through the opposition press. It was insisted that the president ought to have laid the treaty before the senate; and if they approved, to adopt it, as it was, or to propose some modification of it, as was done in the case of the treaty made with France in 1801. The American envoys, Monroe and Pinkney, had signed the treaty, and they were the political friends of the president; and it was believed that one more favorable could not be obtained; that it was to be preferred to open war, or entire non-intercourse with Great Britain, for which some then contended, as the best policy. A rejection of the treaty, it was feared, might lead to immediate hostilities, and a system of non-intercourse would greatly diminish American commerce and navigation, and also provoke Great Britain to retaliate by increased depredations, under color of exercising her belligerent rights, as necessary to her own safety against the naval policy of France, her powerful rival and enemy.

The democratic party fully justified the president. They insisted that

the advice of the senate could not bind him, and ought not to prevail against his opinion. That it was a matter of discretion and prerogative with him to submit it to the senate or not; that if in great doubt himself, he might lay the subject before that body, and if they advised to its adoption, to give it his consent, and place the responsibility on them. This might have been the most prudent course; but if he was decidedly opposed to the treaty, as injurious and dishonorable, he ought, as chief magistrate, to have the power to withhold it. The adoption of the treaty without the additional note or article of the British ministers, would have been more consistent with good policy, in a neutral government, as that of the United States then was; and would have manifested a sincere desire to conciliate Great Britain, whose good will toward America was highly important. The rejection of the treaty had an unfavorable effect on the British government and their naval commanders. They thought they saw in it an unwillingness on the part of the president to conciliate that nation, or to preserve friendly relations between the two countries.*

The American ministers who negotiated the treaty with England, complained of the manner in which it was received, as they considered it highly advantageous to this country, particularly with regard to two points of dispute, namely, the rights of neutrals and the practice of blockade adopted by England. On the third point in dispute, that the American flag should protect all who sailed under it, England, her ministers said, could not concede this without abandoning her maritime force; and while this point was a *sine qua non* no adjustment with her could be effected. Yet Pinkney and Monroe obtained assurances from the British ministry, though not in the form of a treaty, which they deemed satisfactory. It was expressly offered by the British government, when it asserted a right to take its own subjects wherever found, after requesting their surrender of the commander of the vessel to which they then belonged, that its ships-of-war should give up any American citizens on board, on request and proof that they were such.

There can be but little doubt that the refusal to ratify the treaty with Great Britain negotiated by Monroe and Pinkney, was a primary cause of the embargo and other restrictive measures which soon after followed, and finally led to the war of 1812.

The change of ministry in England, by the death of Mr. Fox, placed Mr. Canning in the cabinet, as secretary for foreign affairs. In their interviews with Mr. Canning, after they were informed of the president's rejection of the treaty, the American ministers were soon satisfied that there was little probability of a more successful negotiation. In conformity with instructions received from Mr. Madison, secretary of state, Messrs. Monroe and Pinkney addressed a note to Mr. Canning, on the 24th of July, 1807, proposing a renewal of the negotiation, and submitted to him the

* Bradford.

alterations they proposed in the rejected treaty. The attack on the Chesapeake frigate caused a suspension of correspondence, so that Mr. Canning did not reply to the American ministers until the 22d of October, when, after justifying the reservation made of the right to retaliate the French decrees, and insisting that the subject of the "impressment of British seamen from merchant vessels" formed no part in the treaty, and was entitled only to a separate and subsequent discussion, he protests, in behalf of his government, "against a practice, altogether unusual in the political transactions of states, by which the American government assumes to itself the privilege of revising and altering agreements concluded and signed in its behalf by its agents duly authorized for that purpose; of retaining so much of those agreements as may be favorable to its own views; and of rejecting such stipulations, or parts of stipulations, as are conceived to be not sufficiently beneficial to America." He therefore informs the American ministers that the proposal "for proceeding to negotiate anew, upon the basis of a treaty already solemnly concluded and signed, is wholly inadmissible."*

In a letter to Mr. Monroe, Mr. Jefferson remarked, if the treaty could not be made more acceptable, the next best thing was to let the negotiation die away insensibly, and in the meantime, to agree informally that both parties should act on the principles of the treaty, so as to preserve a friendly understanding. He adds, that as soon as Mr. Monroe sees the amendment of the treaty is desperate, he can follow his desire of returning home. Mr. Monroe therefore returned to the United States at the close of the year 1807.

At this time the British maintained a squadron which cruised along the coast of the United States, under pretence of enforcing belligerent rights. Vessels-of-war belonging to France and to England might come into the ports of the United States. Those of France came, and those of England came to seek them. Five seamen had deserted from the British sloop-of-war Halifax, in March, 1807, and enlisted on board the United States frigate Chesapeake, then lying in Hampton Roads, and commanded by Captain Barron. Four separate demands were made for these men, but without success; one on Lieut. Sinclair, of the Chesapeake; one by the British consul, on the mayor of Norfolk; one on Captain Decatur; and one by the British minister, on the secretary of state. The Chesapeake sailed with these five men on board, but while going down the bay, all but one deserted and got on shore.

On the 23d of June, when at sea, not far from the capes of Virginia, the Chesapeake was met by the British ship Leopard, of fifty guns, commanded by Captain Humphreys. The Chesapeake carried forty-four guns. Humphreys sent his boat with a note to Barron, informing him that his commanding officer, Admiral Berkeley, had directed him to take any Brit-

* Tucker.

ish deserters on board the Chesapeake, by force if necessary, and to allow on his part of a search for American deserters. Captain Barron refused permission to search, and stated that he had instructed his recruiting officer not to enlist British subjects, and that he had no knowledge that any were on board. On this answer being received, the Leopard fired into the Chesapeake, and the latter being taken by surprise, and unprepared for action, did not return the fire, and immediately struck her flag. A boat from the Leopard having been then sent to the Chesapeake, the American officers tendered their swords to the British officer commanding, but he declined receiving them, demanded the muster-roll of the ship, and having taken off four men, whom he claimed as British subjects, left the Chesapeake, which then returned to Hampton Roads. Three of these men had previously entered the British service, but were Americans by birth, and had been formally demanded at Washington.*

This was a gross outrage on the part of the British commander, whatever the provocation may have been, because the universally-acknowledged principle is, that a national ship at sea and the territory of its nation are alike inviolable. The British government so understood this matter, and disavowed the act of its officer, and offered a proper and honorable reparation, which was finally accepted before the war, and therefore this did not make one of the causes which led to that calamity.†

This affair of the Chesapeake excited the indignation of the whole country; both parties cordially united in a desire that the honor of the country should be avenged. Many were anxious for a declaration of war with England, but the president preferred a pacific course, and determined to give Great Britain an opportunity of disavowal and reparation. This course proved a wise one, as the affair was finally amicably settled, after a somewhat tedious negotiation.

The French emperor, Napoleon, was at this period in the full tide of success and conquest, having subdued and brought under his control a large part of continental Europe. But the English navy had nearly destroyed the French power at sea. The battle of Trafalgar annihilated the united fleets of France and Spain; and all the principal ports of the French empire, with a long extent of seacoast, were held in vigorous blockade by the British squadrons.

To retaliate on the British, the Emperor Napoleon devised a new plan of attack, which he called the *Continental System*. The object of this scheme was to cut off all intercourse between the continent of Europe and Great Britain, and thus weaken England by destroying this portion of her commerce.

On the 21st of November, 1806, Napoleon, having defeated the Prussians, and entered Berlin, the capital of that kingdom, issued from the royal palace of that city his celebrated *Berlin decree;* by which he de-

* Tucker. † Sullivan.

clared the British isles in a state of blockade; and, consequently, that every American or other neutral vessel going to, or coming from, these isles, was subject to capture. The same decree provided that all merchandise belonging to England, or coming from its manufactories, or colonies, although belonging to neutrals, should be lawful prize *on land*. This provision was carried into effect.

General Armstrong, American minister at Paris, regarded the Berlin decree at first as inapplicable to American commerce, on account of the treaty then existing between the United States and France, but in October, 1807, in answer to his inquiry as to the effect of the decree, the French minister of foreign relations informed him of his mistake. The condemnation of American vessels commenced in November following.

The British government, in retaliation of Napoleon's Berlin decree, issued their famous *orders in council*, dated November 11, 1807. By these orders, all direct trade from America to any part of Europe at war with Great Britain, or which excluded the British flag, was totally prohibited. Goods, however, were allowed to be landed in England, and, after paying duties, might be re-exported to Europe. On the 17th of December succeeding, the orders in council were followed by the *Milan decree* of Napoleon, which declared that every vessel that should submit to be searched by a British man-of-war, or which should touch at a British port, or should pay any impost whatever to the British government, should be *denationalized*, and subject to seizure and condemnation.

These edicts of the two belligerent powers were, of course, destructive to the principal part of the foreign commerce of the United States. American vessels trading directly with French ports were liable to capture by British cruisers; and if they touched at a British port, they were confiscated on arriving in France. The British orders in council operated with the most severity on American commerce, as through their powerful navy the English possessed the means of enforcing them.

The critical situation of our foreign relations induced the president to call the tenth Congress together on the 25th of October, 1807. The democratic majority continued large in both branches. Joseph B. Varnum, a friend of the administration from Massachusetts, was chosen speaker of the house of representatives.

In consequence of the hostile edicts of France and England, the president, in a confidential special message, on the 18th of December, recommended to Congress the passage of an act laying an embargo on all vessels of the United States. The message did not allude to the British order in council, although Mr. Tucker informs us in his life of Jefferson, on the authority of Mr. Madison, then secretary of state, that the government had received information, through an authentic private channel, that the British ministry had issued an order against neutral commerce, in re-

taliation of the Berlin decree; which information was confirmed by a ministerial English newspaper received at the same time.

The subject was immediately discussed in both houses of Congress, in secret session; and a bill laying an embargo was passed on the 22d of December, 1807, at eleven o'clock at night, by a vote of 82 to 44. A similar bill had passed the senate on the very day the subject was introduced, by a vote of 22 to 6. According to this bill, all American vessels were prohibited from sailing for foreign ports; all foreign vessels from taking out cargoes; and all coasting vessels were required to give bond to land their cargoes in the United States.

The embargo was violently opposed by the federal party and their few democratic associates in Congress. It was also extremely unpopular among a large portion of the people, particularly in the states most interested in commerce and navigation.

The federalists throughout the United states, denounced the restrictive measures of the administration, but the democratic party generally approved of and sustained them. There were, however, some exceptions even among that party; and in the city of New York a public meeting was held, soon after the passage of the embargo act by Congress, at which De Witt Clinton, then a leading democrat in the state of New York, presided; and at this meeting resolutions were adopted disapproving of the embargo. The American Citizen, a democratic paper published in that city by James Cheetham, came out decidedly against the measure. Mr. Clinton shortly afterward renounced his opposition, and sustained this and other measures of Mr. Jefferson's administration.

Those who opposed the embargo policy believed it would prove unavailing in its influence to induce the British ministry to adjust existing disputes with the United States; another objection to the embargo was, that the act contained no provision for limiting it to a definite period. An embargo had been laid by the continental Congress early in the war of the revolution, and again in 1794, during the administration of Washington, but these were limited to thirty or sixty days. The act of 1807 was unlimited as to the term of its operation, and it could not be repealed by a majority vote of Congress, as the act of repeal would be subject to the president's veto, after which a two-third vote would be necessary in Congress. If it were intended as a measure of annoyance and injury to a foreign nation, it was putting it in the power of the president to make war; and if it were designed chiefly as a means of safety, it was said, the merchants were the best judges as to the risks and the dangers. And there was reason to believe that the measure had been recommended and adopted at the secret instance of the French emperor, who sought to destroy the commerce of Great Britain; and who insisted on the co-operation of the United States, directly or indirectly, in his plans to subjugate his enemy. The letters of the American envoys in Paris, afterward published, stated various con-

versations and facts which showed that the emperor expected an embargo would be laid by the American government, and that it would meet his approbation. Napoleon had said that there should be no neutrals; that the United States should be decided friends, or he must treat them as enemies. And he predicted in October that an embargo would be laid in America, which was done in December following. Mr. Jefferson used the following language in a confidential letter to the American minister in Paris, in October, 1808: "Bonaparte does not wish us to go to war with England; knowing we have not ships sufficient to carry on such a war. And to submit to pay England the tribute on our commerce, which she demands by her orders in council, would be to aid her in the war against France, and would give the emperor just ground to declare war on us."

Notwithstanding the difficulties in which American commerce was involved by the conduct of both England and France, it was the opinion of men entitled to respect and confidence for their good judgment, that negotiations conducted in a proper spirit would have prevented the difficulties and evils which occurred to the United States; and that more decision and firmness would have prevented war and preserved commercial prosperity. In France, the American envoys expressed surprise that some resentment was not manifested against the French government by that of the United States. And the American ministers in England expressly declared, that a treaty might have been made with that government which, if not in all respects such as was desired, might have been accepted with-without injury or dishonor to the United States.*

The embargo question, and subjects connected with it, occupied much of the time of this session of Congress, which closed on the 25th of April, 1808. The president, on the 2d of February, communicated to Congress the British orders in council of the 11th of November, and on the 17th of March he sent to that body the Milan decree of Napoleon. Spain issued similar decrees soon after the latter.

The committee of Congress to whom these and other documents were referred, made a report on the 16th of April, recommending for the present a continuance of the embargo, but that the president have power to suspend it until the next session of Congress. A law was therefore passed authorizing the executive to suspend the embargo act in the event of a peace in Europe, or of favorable changes in the measures of the belligerents affecting neutral commerce.

Some measures of defence were adopted by Congress; such as the erection and repair of fortifications on the seacoast, and for building and manning a large number of gunboats; for raising eight additional regiments of troops; for detaching one hundred thousand of the militia for service, if required, and for arming the whole body of the militia in the United States.

* Bradford.

While Congress was in session, Mr. Rose, a special minister from England, arrived at Norfolk for the avowed purpose of adjusting the affair of the frigate Chesapeake. On arriving at Washington he opened a correspondence with Mr. Madison, secretary of state, but as the British envoy required, in conformity to his instructions, that the president's proclamation interdicting British vessels-of-war, from the harbors of the United States, should be withdrawn before entering on the subject of reparation —and this being refused by our government, the negotiation was broken off. Mr. Rose, therefore, embarked for England about the last of March, in the same frigate which brought him out.

This correspondence created a new theme for discussion between the two political parties of the nation; the federalists thought the administration wrong in not revoking the proclamation, while the democrats justified the president and secretary of state in the course adopted. The federalists also asserted that Mr. Jefferson was indulging his ancient animosity against England, and furthering the views of France, and that the embargo was recommended to the party in power chiefly by its operating more injuriously on England than on her enemies.

The operation of the embargo law, although the measure was sustained by a majority of the American people, was the occasion of great distress, particularly among the commercial community, throughout the United States, and put the patriotism and firmness of all to a severe test. Dependent as we were on foreign markets for the sale of our redundant products, now that we were not permitted to export them, they fell to half their wonted price, and even less. To many of the producers they did not repay the cost of production. The supply of foreign merchandise, too, which habit had made necessary, and of which there was no domestic supply, or an insufficient one, being cut off, its price rose proportionally high, and thus the expenses of the agricultural classes increased in the same proportion that their means of defraying them diminished. It bore still harder on the sailors and ship-owners, who were thrown entirely out of employment—and here the pressure was most severely felt in the states that were most addicted to navigation. It is true it operated as a bounty on manufactures, by making them scarcer and dearer, but this at first benefited but a small proportion of the community.

The embargo was also severely felt by the belligerents, and especially by England. The United States were the most extensive and profitable of all the customers of Great Britain, and the loss of our trade must be grievously felt by her manufacturers. Thus it was a trial between the two nations, England and the United States, who could suffer longest. In this contest, however, we lay under a disadvantage; for, in the first place, we deprived Great Britain of the trade of only one nation, while we deprived ourselves of the trade of all; and in the next, our adversaries could procure cotton from Brazil, Egypt, and the East Indies, tobacco from South

America, naval stores from Sweden, lumber from Nova Scotia, and grain from the Baltic, though at a greater cost; but we, exporting nothing, were unable to import the woollens, linens, silks, hardware, and pottery, to which we were accustomed and which we had not yet learned to make.*

Another disadvantage (noticed by the same writer) attending this policy, was the change of trade from the United States, by being forced into new channels. Thus it was long after the peace before the West Indies furnished as extensive a market for American products as before the embargo. Whatever were the hazards of capture, from the edicts of the belligerents, they could be fairly estimated by the merchants, and to prohibit them from employing their capital in this way was to withhold from them a profit within their reach, and was an injury, not only to them, but to the whole class of their customers, whether producers or consumers. It was further injurious in increasing the profits of illicit trade, and, consequently, the temptations to engage in violations of the embargo law, and smuggling, to the injury of patriotic merchants and the benefit of those who disregarded the laws.

The violent opposition to this measure of the administration, gradually weakened the democratic party and strengthened the federalists, particularly in the middle and eastern states. Still the administration were enabled to sustain themselves with a majority of the people. In reference to the operation of the embargo, Mr. Jefferson remarks, in a letter to Doctor Leib on the 23d of June, 1808: "The federalists are now playing a game of the most mischievous tendency, without, perhaps, being themselves aware of it. They are endeavoring to convince England that we suffer more by the embargo than they do, and that, if they will but hold out awhile, we must abandon it. It is true, the time will come when we must abandon it. But if this is before the repeal of the orders in council, we must abandon it only for a state of war. The day is not distant when that will be preferable to a longer continuance of the embargo. But we can never remove that, and let our vessels go out and be taken under these orders, without making reprisal. I think that in two or three months we shall know what will be the issue."

While the nation was greatly agitated by the condition of the country, in view of the critical state of our foreign relations, the presidential election came on. There was some division among the democrats in Virginia with regard to a successor of Mr. Jefferson, as president of the United States. It had been understood generally by the party that Mr. Madison would be selected, but Mr. Monroe's claims were strongly pressed by his personal friends, among whom was John Randolph. On the 23d of January, 1808, soon after Mr. Monroe's return from England, the friends of each candidate tried their strength at a caucus of the members of the legislature of Virginia, when 134 declared in favor of Mr. Madison, and 47

* Tucker.

for Mr. Monroe. A caucus of the democratic members of Congress was held at Washington on the same night, when Mr. Madison received 83 votes, Mr. Monroe 3, and George Clinton 3. Mr. Madison was therefore nominated for president; at the same time, George Clinton was nominated for re-election as vice-president.

When the election came on, James Madison received 122 electoral votes for president, and George Clinton 113 votes for vice-president. The federal candidates, Charles C. Pinckney for president, and Rufus King for vice-president, received each 47 votes. Of the democratic votes, 6 were given to George Clinton for president; and for vice-president, 9 were given to John Langdon, 3 to James Madison, and 3 to James Monroe. The states which supported the federal candidates were New Hampshire, Massachusetts, Rhode Island, Connecticut, and Delaware; also two districts in Maryland, and three in North Carolina.

General Armstrong, the American minister at Paris, in 1808, in pursuance of his instructions, remonstrated with M. Champagny, the French minister of foreign relations, against the condemnations of American vessels and cargoes under the Berlin and Milan decrees, which he showed to be clear infractions of the treaty of 1800. To the several remonstrances made by the American minister against the captures and burning of American property, no answer was given by the French government.

Mr. Madison, secretary of state, wrote to General Armstrong on the 29th of May, 1808, to inform him of the power given to the president to suspend the embargo, and requested him to inform the French government that the effect of revoking her decrees would be to compel Great Britain to follow her example, or to be at war with the United States; and on the other hand, should Great Britain revoke her orders in council, France could not persist in her decrees without forcing a contest with the United States.

Thus, instead of a suspension of the embargo, as to France, on repealing her decrees, it was supposed that a sufficient inducement might be presented in other considerations. War with Great Britain was, in short, indicated as the consequence of such repeal. This offer was unnoticed by the French minister.

Mr. Pinkney, the American minister in London, in writing to Mr. Canning, the British minister, as instructed, stated explicitly, that on Great Britain rescinding her orders in relation to the United States, they would open their trade with her, and keep it shut to her enemy, if he failed also to rescind his decrees. This offer was unhesitatingly rejected. Mr. Canning, in reply to Mr. Pinkney, in September, 1808, said, that as the application made to the French government by the United States had not met with a favorable reception, his majesty (the king of England) could not change his course. That he saw nothing in the embargo to induce the change. If it were regarded as a measure of hostility, it was mani-

festly unjust toward him. The redress should be first made by the party originating the wrong. He professes every disposition to be on amicable terms with the United States; says the depression of other countries is not desired by his nation; that the prosperity of America is essentially that of Great Britain, and her strength and power are not for herself, but for the world. That when a readjustment of the present differences should take place, both nations would better appreciate the value of each other's friendship.

The correspondence between Mr. Pinkney and Mr. Canning, extending through a series of letters, was unsatisfactory, and led to no result. The letters of the British minister are more remarkable for a display of wit and sarcasm, than for those qualities which might be expected to distinguish a practical statesman of the admitted talents of Mr. Canning.

On the 7th of November, 1808, Congress assembled, at the time appointed at the last session, and on the 8th Mr. Jefferson sent to both houses his last annual message.

The subject of the foreign relations was, on the 11th of November, referred to a committee of the house of representatives, who, on the 22d, made a report, concluding with three resolutions submitted for the consideration of the house: 1st. That the United States could not, without a sacrifice of their rights, honor, and independence, submit to the late edicts of Great Britain and France. 2d. That it was expedient to prohibit the admission of either the ships or merchandise of those belligerents into the ports of the United States. 3d. That the country ought to be immediately placed in a state of defence.

After a protracted debate, the first two resolutions were passed, by three fourths of the votes, and the last unanimously.

A similar debate on the same subject, in the senate, was introduced by a motion to repeal the embargo law. The motion was supported by its mover, Mr. Hillhouse, of Connecticut, and by Messrs. Pickering and Lloyd, of Massachusetts, and White, of Delaware. It was opposed by Messrs. Pope, of Kentucky, Smith, of Maryland, Crawford, of Georgia, and Moore and Giles, of Virginia. The question on the resolution was taken on the 2d of December, when it appeared that there were but six votes in its favor, to twenty-five against it.

In pursuance of the third resolution adopted by the house, the sum of four hundred and seventy-five thousand dollars was appropriated to fortifications, principally at New York; four frigates were ordered to be equipped in addition to the naval force already in service; three thousand six hundred seamen to be enlisted, in addition to those already in service, and an addition was made to the marine corps.

While the report which earnestly urged the impolicy of repealing the embargo act was adopted by so large a majority, the greater part even of the friends of the administration had no expectation that it would be

continued many months longer. Some thought it ought to be repealed in the spring, but none were desirous of extending it further than the 1st of September. Looking forward to the change of policy, various expedients connected with the repeal were proposed, but neither of these propositions according with the views of a large majority, they were all postponed on the 10th of February, by 65 votes to 55.*

In the meanwhile the embargo was pressing with increasing severity on every class of the community, whether producers or consumers, and this pressure drove the people of New England, where the embargo was most felt, to a point of disaffection which had never before been witnessed in the United States. Many, therefore, entertained strong hopes that some course would be taken during the present session, by which the industry and enterprise of the country might be again put into activity, its vessels be once more suffered to venture on the ocean, and perhaps be permitted to arm in their own defence, if not to make reprisals. Among the many objections to the embargo, there was one which operated strongly on its friends, and that was the frequency with which it was violated. There were also many cases in which the law was clandestinely evaded. The majority of Congress who were willing to try it longer, rather than resort to war, passed a law during this session, which armed the executive with new powers for enforcing it.

The administration and the majority who supported it were, before Congress rose, turned from the purpose of trying the embargo a few months longer, from fear of the growing disaffection of the New England states.

It has appeared by subsequent disclosures, that in the month of February, Mr. John Quincy Adams, who had supported the administration in the embargo and other measures of policy, ever since the affair of the Chesapeake, and who, finding his course was not approved by the legislature of Massachusetts, had resigned his seat in the senate of the United States, made to the president a communication to the following effect, namely: that from information received by him, and which might be relied on, it was the determination of the ruling party in Massachusetts, and even New England (federalists), if the embargo was persisted in, no longer to submit to it, but to separate themselves from the Union; at least until the existing obstacles to commerce were removed; that the plan was already digested, and that such was the pressure of the embargo on the community, that they would be supported by the people.

The danger thus threatening the Union was deemed paramount to all other considerations, and the president, with his cabinet, concluded that it would be better, to modify their interdiction of commerce in such a way that, while employment was afforded to American vessels, Great Britain and France should still feel the loss of American commerce. Congress accordingly passed a law [redacted] after the 15th of March,

as to all nations except France and Great Britain, and interdicting with them all commercial intercourse whatever, whether by exporting or importing, either directly or circuitously. This measure has always since gone under the name of the *non-intercourse law*. It passed the house of representatives on the 27th of February, by 81 votes to 40, and became a law on the 1st of March, 1809. The repeal of the embargo took effect on the 15th of the same month.

It is not known whether the information thus communicated by Mr. Adams was entirely accurate,* but that the growing discontents of the country made some change expedient, would seem to be very reasonable. In most of the state legislatures of New England there was a systematic purpose to defeat the measures of the general government, especially in

* The following statement was authorized by Mr. Adams, and published in the National Intelligencer of October 21, 1828, and republished in Niles's Register, vol. xxxv., p. 138 :—

"At the session of Congress which commenced in November, 1808, Mr. Adams was a private citizen, residing at Boston. The embargo was still in force, operating with extreme pressure upon the interests of the people, and was viewed as a most effective instrument by the party prevailing in the state against the administration of Mr. Jefferson. The people were constantly instigated to forcible resistance against it, and juries after juries acquitted the violators of it, upon the ground that it was unconstitutional, assumed in the face of a solemn decision of the district court of the United States. A separation of the Union was openly stimulated in the public prints, and a convention of delegates of the New England states, to meet at New Haven, was intended and proposed.

"Mr. Giles, and several other members of Congress, during this session, wrote to Mr. Adams confidential letters, informing him of the various measures proposed as reinforcements or substitutes for the embargo, and soliciting his opinions upon the subject. He answered these letters with frankness, and in confidence. He earnestly recommended the substitution of the non-intercourse for the embargo; and, in giving his reasons for this preference, was necessarily led to enlarge upon the views and purposes of certain leaders of the party which had the management of the state legislature in their hands. He urged that a continuance of the embargo much longer would certainly be met by forcible resistance, supported by the legislature, and probably by the judiciary of the state. That to quell that resistance, if force should be resorted to by the government, it would produce a civil war; and that in that event, he had no doubt the leaders of the party would secure the co-operation with them of Great Britain. That their object was, and had been for several years, a dissolution of the Union, and the establishment of a separate confederation, he knew from unequivocal evidence, although not proveable in a court of law; and that, in the case of a civil war, the aid of Great Britain to effect that purpose would be as surely resorted to, as it would be indispensably necessary to the design. That these letters to Mr. Giles were by him communicated to Mr. Jefferson, Mr. Adams believes. He believes, likewise, that other letters from him to other members of Congress, written during the same session and upon the same subject, were also communicated to him. In one of the letters to Mr. Giles he repeated an assurance which he had verbally given him during the preceding session of Congress, that he had for his support of Mr. Jefferson's administration no personal or interested motive, and no favor to ask of him whatever."

On being called upon in November, 1828, by Hon. Harrison Gray Otis, William Prescott, William Sullivan, and other leading federalists of Massachusetts, to furnish his proofs relative to the charges made by him of a design by the leaders of the federal party in Massachusetts to effect a dissolution of the Union in 1808, Mr. Adams declined to do so at that time, but intimated that at some future day a sense of duty might require him to disclose the evidence which he possessed on the subject. The correspondence was published in Niles's Register, vol. xxxv. In their letter to Mr. Adams, Messrs. Otis and others declare, that "they have never known nor suspected the party which prevailed in Massachusetts in 1808, or any other party in this state, ever entertained the design to produce a dissolution of the Union, or the establishment of a separate confederation."

preventing the execution of the law last enacted for enforcing the embargo. In Connecticut a law was passed to prevent those searches in private houses, which the act of Congress authorized under particular circumstances.*

The administration of Mr. Jefferson terminated on the 3d of March, 1809. He received addresses from the legislatures of the states of Vermont, New Jersey, Pennsylvania, Maryland, and Georgia, and from the senate of New York, and the house of delegates of Virginia, to serve a third term, but he chose to decline being again a candidate, offering as a reason a desire to conform to the precedent made by General Washington. In his correspondence with his friends at the time, he expressed his gratification at being enabled to retire to private life. After waiting to witness the inauguration of his successor, he left the seat of government for his favorite seat of Monticello.

At the period when Mr. Jefferson resigned the reins of government into the hands of his chosen friend, Mr. Madison, the country was involved in gloom and despondency. A report of a committee of the legislature of Massachusetts, in January, 1809, drew the following picture of the state of the country at that time:—

"Our agriculture is discouraged. The fisheries abandoned. Navigation forbidden. Our commerce at home restrained, if not annihilated. Our commerce abroad cut off. Our navy sold, dismantled, or degraded to the service of cutters or gunboats. The revenue extinguished. The course of justice interrupted. And the nation weakened by internal animosities and divisions, at the moment when it is unnecessarily and improvidently exposed to war with Great Britain, France, and Spain."

Such were the views of the opponents of Mr. Jefferson's administration, when it was about to close. The principal benefits accomplished by him and his cabinet, during the eight years while the power of the government was in their hands, as claimed by the friends of Mr. Jefferson, were, first, the acquisition of Louisiana, by which more than a million of square miles were added to the national domain, and the free navigation of the Mississippi secured; which also settled a troublesome and threatening controversy with Spain, and removed the powerful and dangerous neighborhood of France; second, the surveys of the coast and the exploring expedition of Lewis and Clarke, which added greatly to the geographical knowledge of the country; third, the administration had done much to advance the Indians in the arts of civilized life, and had obtained their voluntary relinquishment of their title to ninety-six millions of acres; it had also the merit of compelling the Barbary powers to respect the flag of the United States.

It is also claimed for Mr. Jefferson, by his friends, as stated by his biographer, Professor Tucker, that he gave a practical illustration of the

* Tucker.

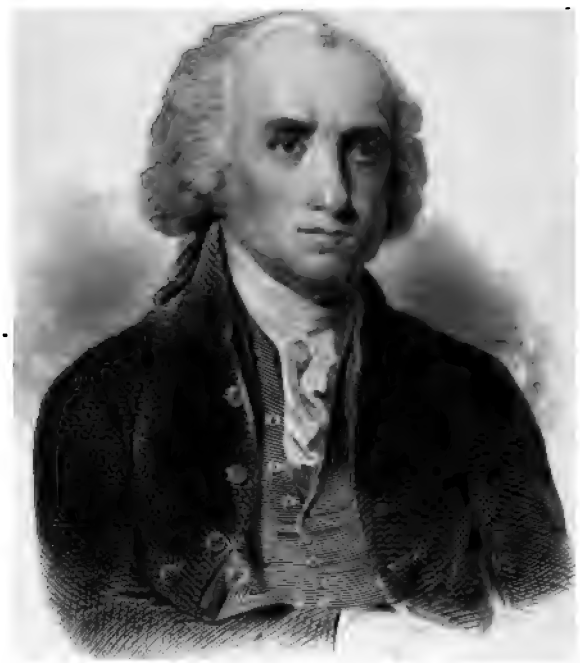
great political maxims from which our civil institutions take their shape and derive their force; that government was instituted for the benefit of the governed, and, consequently, that its power is not a property in those who administer it, but a *trust* for the public good; that as power is grateful in itself, and its exercise always more or less conflicts with the interests or wishes of others, it should be as sparingly delegated and as forbearingly exerted as is consistent with the great purposes of peace and security.

In conformity with these maxims (the same writer remarks), Mr. Jefferson made no attempt, and exhibited no desire to enlarge the powers of the executive, and never exercised them for the benefit of himself or of his family.

The biographer of Mr. Jefferson has not thought proper to define, in the partialities of his friendship, the improvements, if any, which that president introduced, in administering the government, on the system and views of General Washington, nor has he stated in what respects the administration of Washington, and his constructions of the constitution of which he was one of the framers, was not a safe model for his successors. A recent impartial writer, in drawing a parallel between Washington and Jefferson, remarks as follows. It is from a sketch of the life of Thomas Jefferson, published in Philadelphia, by J. G. Russell, 1844:—

"The superiority of Washington's statesmanship seems to be shown in the peculiar adaptation of his policy to the special object of the federal constitution, which was the vigor and efficiency of the government, in contradistinction to the laxity of principle and looseness of the parts in the old confederacy. Let us suppose that Mr. Jefferson had been chosen to carry into practice the first experiment of the government, instead of Washington, and that he had applied his system of *state-rights* and *popular interference* to the new machine which the federal convention had just placed in the hands of the executive. Is it not self-evident that, for want of vigor and energy, the constitution would have crumbled to pieces in his hands, and left him in possession only of the fragments of the old confederacy? For that is certainly the true system of the government which fulfils its great ends; and that, of course, must be the spurious doctrine which baffles and defeats the object had in view by those who framed it. The difference in the crisis, and the remote stages of the two administrations can not affect this principle. A government of laws must have the principle of energy and coercion; and it was the concentration of this energy in a federal government which the convention gave, and which, to carry out into perfection, induced the Washington policy. It does appear, therefore, that Mr. Jefferson's was anomalous and not congenial to the constitution, but a policy formed in accordance with the constant and living current of popular opinion; a policy for the people, not for the constitution; a policy framed to gain popularity, not to cement, fulfil, or con-

summate the fabric and purposes of the government. It appears, therefore, to be rather the policy of the politician than the policy of the statesman, the legislator, the lawgiver, or the patriot, who looks beyond the bounds of present praise to the final consequences of civilization and liberty. Yet even this anomalous policy of Mr. Jefferson, so far from being incompatible with human happiness and permanent freedom, is admirably calculated to secure those objects, provided the people are sufficiently virtuous to be governed by opinion instead of law. It implies, in the people, the highest perfection of virtue and intelligence, and, leaving nothing to coercion, places the safety of society at the mercy of their discretion, wisdom, prudence, and virtue. It implies that power will be so honest as to commit no usurpation, and that the people will be so virtuous as to abstain from all violence, licentiousness, and disorder! but this is supposing the very effect that government is intended to secure. We have many declarations under Mr. Jefferson's pen, which show that he had not considered the scientific principles of his system so profoundly as he had studied its impression on the minds of the people; and seeing it well received by them, he determined to adhere to it. So that in effect there was this difference in Washington and Jefferson, as statesmen—that the former rescued the republic from the chaos of the old confederation to the coercive government of the federal constitution, and the latter reconducted us to the chaos of the confederacy through the currents of popular opinion, ideas of unbounded liberty, implicit confidence in the virtues of the people, and an unlimited faith in their intelligence, and capacity for self-government."



Engd by A Black from a Painting by Stuart

James Madison



BIOGRAPHICAL SKETCH

OF

JAMES MADISON.

James Madison, the fourth president of the United States, was born in Orange county, Virginia, on the 16th of March, 1751. His father was James Madison, the family being of Welsh descent, and among the early emigrants to Virginia. The subject of the present sketch studied the English, Latin, Greek, French, and Italian languages, and was fitted for college under the tuition of Mr. Robertson, a native of Scotland, and the Rev. Mr. Martin, a Jerseyman. He graduated at Princeton, New Jersey, in 1771; and afterward remained a year at college, pursuing his studies under the superintendence of Doctor Witherspoon, president of the institution. His constitution was impaired by close application to his studies, and his health was, for many years, feeble. Returning to Virginia, he commenced the practice of the law, but the scenes of the revolution left but little opportunity for the quiet pursuits of private life, and his talents being soon appreciated by his neighbors, he was called into the public service at an early age. In 1776 he was elected a member of the general assembly of Virginia, and in 1778 he was appointed one of the executive councillors. In the winter of 1779–'80 he was chosen a delegate to the continental Congress, of which body he continued an active and prominent member till 1784. In January, 1786, the legislature of Virginia appointed Mr. Madison one of their delegates to a convention of commissioners, or delegates, from the several states, to meet at Annapolis, Maryland, the ensuing September, to devise a uniform system of commercial regulations which should be binding on the whole confederacy, when ratified by all the states. Only five states were represented in this convention, but the members present took a step which led to important results. They recommended a convention of delegates from all the states, to be held at Philadelphia, in May, 1787, to take into consideration the situation of the United States to devise such further provisions as should appear to them

necessary to render the constitution of the federal government adequate to the exigencies of the Union. Of that convention, which framed the constitution of the United States, Mr. Madison was one of the most distinguished members. He took a leading part in the debates on the various plans of a constitution submitted to the convention, and to his efforts in maturing the constitution as finally adopted, the country is greatly indebted. He took notes of the proceedings and debates of the convention, which, since his death, have been published, forming a valuable text-book for American statesmen.

In the convention, Mr. Madison generally coincided with General Washington and other members in their views in favor of a strong national government. A paper in the handwriting of General Washington, and found among the documents left by him, contains a summary of Mr. Madison's opinions on the subject of a form of constitution to be proposed. It is the substance of a letter received by Washington from Mr. Madison, a short time previous to the assembling of the convention at Philadelphia, and has been published in the North American Review, volume xxxv., as follows:—

"Mr. Madison thinks an individual independence of the states utterly irreconcilable with their aggregate sovereignty, and that a consolidation of the whole into one simple republic would be as inexpedient as it is unattainable. He therefore proposes a middle ground, which may at once support a due supremacy of the national authority, and not exclude the local authorities whenever they can be subordinately useful.

"As the groundwork, he proposes that a change be made in the principle of representation, and thinks there would be no great difficulty in effecting it.

"Next, that, in addition to the present federal powers, the national government should be armed with positive and complete authority in all cases which require uniformity; such as regulation of trade, including the right of taxing both exports and imports, the fixing the terms and forms of naturalization, &c.

"Over and above this positive power, a negative *in all cases* whatever on the legislative acts of the states, as heretofore exercised by the kingly prerogative, appears to him absolutely necessary, and to be the least possible encroachment on the state jurisdictions. Without this defensive power he conceives that every positive law which can be given on paper, will be evaded.

"This control over the laws would prevent the internal vicissitudes of state policy, and the aggressions of interested majorities.

"The national supremacy ought also to be extended, he thinks, to the judiciary departments; the oaths of the judges should at least include a fidelity to the general as well as local constitution; and that an appeal should be to some national tribunals in all cases to which foreigners or in-

habitants of other states may be parties. The admiralty jurisdictions to fall entirely within the purview of the national government.

"The national supremacy in the executive departments is liable to some difficulty, unless the officers administering them could be made appointable by the supreme government. The militia ought entirely to be placed, in some form or other, under the authority which is intrusted with the general protection and defence.

"A government composed of such extensive powers should be well organized and balanced.

"The legislative department might be divided into two branches, one of them chosen every — years, by the people at large, or by the legislatures; the other to consist of fewer members, to hold their places for a longer term, and to go out in such rotation as always to leave in office a large majority of old members.

"Perhaps the negative on the laws might be most conveniently exercised by this branch.

"As a further check, a council of revision, including the great ministerial officers, might be superadded.

"A national executive must also be provided. He has scarcely ventured as yet to form his own opinion, either of the manner in which it ought to be constituted, or of the authorities with which it ought to be clothed.

"An article should be inserted, expressly guarantying the tranquillity of the states against internal as well as external dangers.

"In like manner, the right of coercion should be expressly declared. With the resources of commerce in hand, the national administration might always find means of exerting it either by sea or land; but the difficulty and awkwardness of operating by force on the collective will of a state, render it particularly desirable that the necessity of it might be precluded. Perhaps the negative on the laws might create such a mutual dependence between the general and particular authorities as to answer; or perhaps some defined objects of taxation might be submitted along with commerce, to the general authority.

"To give a new system its proper validity and energy, a ratification must be obtained from the people, and not merely from the ordinary authority of the legislature. This will be the more essential, as inroads on the existing constitutions of the states will be unavoidable."

The foregoing views of Mr. Madison, expressed by him before the constitution was formed, are highly interesting, as evincing a remarkable degree of foresight and political wisdom, and forming the basis of the principal features of the constitution as finally adopted by the convention.

The constitution having passed the ordeal of the national convention, in September, 1787, was next, by the recommendation of that body, submitted to conventions elected by the people of the several states, for their

consideration. Mr. Madison was elected a member of the convention of Virginia, chosen for that purpose, and here his best efforts were again called into requisition, to secure the sanction of his native state to a measure which he deemed of the most vital importance to the interests of the whole Union. In this state convention of Virginia were assembled some of the most able and talented of her sons, including many of the patriots of the revolution, and others renowned for wisdom and eloquence; but with widely discordant views on the subject of a form of national government. Among those who acted with Mr. Madison in advocating the adoption of the constitution, were John Marshall, Edmund Pendleton, George Wythe, and Edmund Randolph; while Patrick Henry, James Monroe, William Grayson, and George Mason, were among the opponents. The question was finally carried in favor of adoption by 89 votes to 79.

Notwithstanding the triumph of the federalists, as the friends of the constitution were then called, in the convention of Virginia, the anti-federalists held the majority in the legislature. An attempt to elect Mr. Madison to the senate of the United States was, therefore, unsuccessful, Messrs. Grayson and R. H. Lee being preferred. Mr. Madison was, however, elected by the people of one of the congressional districts, a member of the house of representatives, and took his seat in the new Congress, at New York, in April, 1789. In that body he bore an active and leading part in the adoption of measures for the organization of the government. He continued a distinguished member of Congress during the eight years of General Washington's administration, which terminated in March, 1797. He opposed the funding system, the national bank, and other measures of he administration which originated with Hamilton, secretary of the treasury; acting generally with the anti-federalists, who sustained the views of Mr. Jefferson, then secretary of state; notwithstanding Madison had been one of the most distinguished champions of the constitution previous to its adoption, and was associated with Hamilton and Jay in the production of the celebrated essays called "The Federalist," which had an important influence with the people, in favor of the constitution.

In 1794, being then in his forty-third year, Mr. Madison married Mrs. Dolly Paine Todd, of Philadelphia, the widow of a lawyer of Pennsylvania, who died in less than three years after her first marriage. This lady's maiden name was Paine; and her father, who belonged to the society of Friends, had removed from Virginia to Philadelphia. She was about twenty years younger than Mr. Madison, and still survives. She was always admired for her agreeable manners, her fine person, and talents in conversation. With an amiable disposition, a mild and dignified deportment, few American ladies have been more distinguished than Mrs. Madison, in the various and high stations she has been called to occupy and adorn through life

In January, 1794, Mr. Madison introduced into the house of representatives a series of resolutions on the subject of the commerce of the United States with foreign nations. They were based on a previous report made to Congress by Mr. Jefferson, secretary of state, on the subject of foreign relations, and were probably prepared with the concurrence of Mr. Jefferson, as a manuscript copy was found among his papers. They were retaliatory in their character toward Great Britain, and considered favorable to the interests of France. They gave rise to a warm debate, parties being nearly balanced in the house, but the subject was finally postponed, without definite action.

Mr. Madison continued to act with the democratic, or republican party, for the remainder of his political career, co-operating with Mr. Jefferson in his views of national policy, and between these two gentlemen there existed through their lives the warmest personal friendship. In 1797, Mr. Madison retired from Congress, and in order to oppose the administration of Mr. Adams in a new form, he accepted a seat in the Virginia legislature, in 1798, where he made a report on the subject of the alien and sedition laws which had been passed by the federal party in Congress, concluding with a series of resolutions against those laws; which resolutions have since formed a text for the doctrine of state-rights, as held by the democratic party of Virginia and some other states.

On the accession of Mr. Jefferson to the presidency, in 1801, he appointed Mr. Madison secretary of state, which office he held during the eight years of Mr. Jefferson's administration; and in 1809, having received the nomination and support of the democratic party, he succeeded his friend and coadjutor, as president of the United States. During his administration, in 1812, war was declared by Congress against Great Britain, to which measure he reluctantly consented, and the same year he was re-elected to the presidency. In his selection of commissioners to negotiate a treaty of peace, Mr. Madison showed his anxiety for a termination of the war, by the appointment of able men, sincerely desirous of peace, which was concluded at Ghent, in December, 1814.

The anxious and exciting scenes of war were not congenial to a person of the peaceful disposition of Mr. Madison, yet the duties of his high office were performed with firmness and ability. Among the events of the war which were calculated to disturb his equanimity, was the capture of the city of Washington, and the destruction of the public buildings, by the British, in 1814. The president and some other principal officers of the government narrowly escaped from being made prisoners by the British troops; they, however, were saved by a rapid flight.

After the return of peace, the remainder of Mr. Madison's administration was prosperous and tranquil. The interests of agriculture and commerce revived among the people, and the national revenue was rapidly replenished from the fruits of returning prosperity. The manufacturing

interests, however, languished for want of adequate protection. The president was favorable to their encouragement. He changed his views on the subject of a national bank, and signed the bill for incorporating the bank of the United States, in 1816. He had, in 1791, opposed the bank then incorporated, as unconstitutional, and in 1815 he had returned to Congress a bill incorporating a bank, as he disapproved of some of its provisions; but in the following year he waived his objections, and approved of an act of incorporation, somewhat modified.

On the 3d of March, 1817, Mr. Madison's administration was brought to a close, and he retired from public life, being then sixty-six years of age, to his seat at Montpelier, in Orange county, Virginia, where he passed the remainder of his days. In 1829 he was chosen a member of the state convention to revise the constitution of Virginia, and for several years he acted as visiter and rector of the University of Virginia. He was also chosen president of an agricultural society in the county where he resided, and before this society he delivered an address, admirable for its classical beauty and practical knowledge.

Having arrived at a good old age, and numbered eighty-five years, the mortal career of Mr. Madison was closed on the 28th of June, 1836. Congress and other public bodies adopted testimonials of respect for his memory. He left no children.

In his personal appearance, Mr. Madison was of small stature, and rather protuberant in front. He had a calm expression, penetrating blue eyes, and was slow and grave in his speech. At the close of his presidency he seemed to be care-worn, with an appearance of more advanced age than was the fact. He was bald on the top of his head, wore his hair powdered, and generally dressed in black. His manner was modest and retiring, but in conversation he was pleasing and instructive, having a mind well stored with the treasures of learning, and being particularly familiar with the political world. On his accession to the presidency he restored the custom of levees at the presidential mansion, which had been abolished by Mr. Jefferson. It was on the occasion of these levees, that his accomplished lady, by her polite and attractive attentions and manners, shone with peculiar lustre. Mr. Madison was fond of society, although he had travelled but little; never having visited foreign countries, or seen much of the people and country over which he presided.

When a member of deliberative bodies, Mr. Madison was an able debater, having acquired self-confidence by slow degrees. As a writer, he has few equals among American statesmen, and the style of his public documents and his correspondence has always been much admired. He was at the time of his death, the last surviving signer of the constitution, and the part he bore in framing that instrument, his subsequent advocacy of it, by his writings, with his adherence to its provisions, obtained for him the title of "Father of the Constitution."

MADISON'S

ADDRESSES AND MESSAGES

INAUGURAL ADDRESS.

MARCH 4, 1809.

UNWILLING to depart from examples of the most revered authority, I avail myself of the occasion now presented, to express the profound impression made on me by the call of my country to the station, to the duties of which I am about to pledge myself by the most solemn of sanctions. So distinguished a mark of confidence, proceeding from the deliberate and tranquil suffrage of a free and virtuous nation, would under any circumstances have commanded my gratitude and devotion, as well as filled me with an awful sense of the trust to be assumed. Under the various circumstances which give peculiar solemnity to the existing period, I feel that both the honor and the responsibility allotted to me are inexpressibly enhanced.

The present situation of the world is indeed without a parallel, and that of our own country full of difficulties. The pressure of these too is the more severely felt, because they have fallen upon us at a moment when the national prosperity being at a height not before attained, the contrast resulting from the change has been rendered the more striking. Under the benign influence of our republican institutions, and the maintenance of peace with all nations, while so many of them were engaged in bloody and wasteful wars, the fruits of a just policy were enjoyed in an unrivalled growth of our faculties and resources. Proofs of this were seen in the improvements of agriculture; in the successful enterprises of commerce; in the progress of manufactures and useful arts; in the increase of the public revenue, and the use made of it in reducing the public debt; and in the valuable works and establishments everywhere multiplying over the face of our land.

It is a precious reflection that the transition from this prosperous condition of our country to the scene which has for some time been distressing us, is not chargeable on any unwarrantable views, nor as I trust on any involuntary errors in the public councils. Indulging no passions which trespass on the rights or repose of other nations, it has been the true glory of the United States to cultivate peace by observing justice, and to entitle themselves to the respect of the nations at war by fulfilling their neutral obligations with the most scrupulous impartiality. If there be candor in the world, he truth of these assertions will not be questioned; posterity at least will do justice to them.

This unexceptionable course could not avail against the injustice and violence of the belligerent powers. In their rage against each other, or impelled by more direct motives, principles of retaliation have been introduced, equally contrary to universal reason and acknowledged law. How long their arbitrary edicts will be continued in spite of the demonstrations that not even a pretext for them has been given by the United States, and of the fair and liberal attempt to induce revocation of them can not be anticipated. Assuring myself that under every vicissitude the determined spirit and united councils of the nation will be safeguards to its honor and its essential interests, I repair to the post assigned me, with no other discouragement than what springs from my own inadequacy to its high duties. If I do not sink under the weight of this deep conviction, it is because I find some support in a consciousness of the purposes, and a confidence in the principles, which I bring with me into this arduous service.

To cherish peace and friendly intercourse with all nations having correspondent dispositions; to maintain sincere neutrality toward belligerent nations; to prefer in all cases amicable discussion and reasonable accommodation of differences to a decision of them by an appeal to arms; to exclude foreign intrigues and foreign partialities, so degrading to all countries and so baneful to free ones; to foster a spirit of independence too just to invade the rights of others, too proud to surrender our own, too liberal to indulge unworthy prejudices ourselves, and too elevated not to look down upon them in others; to hold the union of the states as the basis of their peace and happiness; to support the constitution, which is the cement of the union, as well in its limitations as in its authorities; to respect the rights and authorities reserved to the states and to the people, as equally incorporated with, and essential to the success of, the general system; to avoid the slightest interference with the rights of conscience or the functions of religion, so wisely exempted from civil jurisdiction; to preserve in their full energy the other salutary provisions in behalf of private and personal rights, and of the freedom of the press; to observe economy in public expenditures; to liberate the public resources by an honorable discharge of the public debts; to keep within the requisite limits a standing military force, always remembering that an armed and trained militia is the firmest bulwark of republics—that without standing armies their liberty can never be in danger, nor with large ones safe; to promote by authorized means, improvements friendly to agriculture, to manufactures, and to external as well as internal commerce; to favor in like manner the advancement of science and the diffusion of information as the best aliment to true liberty; to carry on the benevolent plans which have been so meritoriously applied to the conversion of our aboriginal neighbors from the degradation and wretchedness of savage life to a participation of the improvements of which the human mind and manners are susceptible in a civilized state; as far as sentiments and intentions such as these can aid the fulfilment of my duty, they will be a resource which can not fail me.

It is my good fortune, moreover, to have the path in which I am to tread lighted by examples of illustrious services, successfully rendered in the most trying difficulties by those who have marched before me. Of those of my immediate predecessor it might least become me here to speak. I may, however, be pardoned for not suppressing the sympathy with which my heart is full, in the rich reward he enjoys in the benedictions of a

beloved country, gratefully bestowed for exalted talents, zealously devoted, through a long career, to the advancement of its highest interest and happiness.

But the source to which I look for the aids which alone can supply my deficiencies, is in the well-tried intelligence and virtue of my fellow-citizens, and in the counsels of those representing them in the other departments associated in the care of the national interests. In these my confidence will under every difficulty be placed, next to that in which we have all been encouraged to feel in the guardianship and guidance of that Almighty Being whose power regulates the destiny of nations, whose blessings have been so conspicuously dispensed to this rising republic, and to whom we are bound to address our devout gratitude for the past, as well as our fervent supplications and best hopes for the future.

SPECIAL SESSION.—MESSAGE.

MAY 23, 1809.

Fellow-Citizens of the Senate and House of Representatives:—

ON this first occasion of meeting you, it affords me much satisfaction to be able to communicate the commencement of a favorable change in our foreign relations; the critical state of which induced a session of Congress at this early period.

In consequence of the provisions of the act interdicting commercial intercourse with Great Britain and France, our ministers at London and Paris were without delay instructed to let it be understood by the French and British governments, that the authority vested in the executive to renew commercial intercourse with their respective nations would be exercised in the case specified by that act.

Soon after these instructions were despatched, it was found that the British government, anticipating from early proceedings of Congress at their last session, the state of our laws which has been the effect of placing the two belligerent powers on a footing of equal restrictions, and relying on the conciliatory disposition of the United States, had transmitted to their legation here, provisional instructions, not only to offer satisfaction for the attack on the frigate Chesapeake, and to make known the determination of his Britannic majesty to send an envoy extraordinary with powers to conclude a treaty on all the points between the two countries, but moreover to signify his willingness, in the meantime, to withdraw his orders in council, in the persuasion that the intercourse with Great Britain would be renewed on the part of the United States.

These steps of the British government led to the correspondence and the proclamation now laid before you, by virtue of which the commerce between the two countries will be renewable after the 10th day of June next.

While I take pleasure in doing justice to the councils of his Britannic majesty, which, no longer adhering to the policy which made an abandonment by France of her decree a pre-requisite to a revocation of the British orders, have substituted the amicable course which has issued thus happily, I can not do less than refer to the proposal heretofore made on

the part of the United States, embracing a like restoration of the suspended commerce, as a proof of the spirit of accommodation which has at no time been intermitted, and to the result which now calls for our congratulations, as corroborating the principles by which the public councils have been guided during a period of the most trying embarrassments.

The discontinuance of the British orders, as they respect the United States, having been thus arranged, a communication of the event has been forwarded in one of our public vessels to our minister plenipotentiary at Paris, with instructions to avail himself of the important addition thereby made to the considerations which press on the justice of the French government a revocation of its decrees, or such a modification of them as that they shall cease to violate the neutral commerce of the United States.

The revision of our commercial laws, proper to adapt them to the arrangement which has taken place with Great Britain, will doubtless engage the early attention of Congress. It will be worthy, at the same time, of their just and provident care, to make such further alterations in the laws as will more especially protect and foster the several branches of manufacture which have been recently instituted or extended by the laudable exertions of our citizens.

Under the existing aspect of our affairs, I have thought it not inconsistent with a just precaution, to have the gun-boats, with the exception of those at New Orleans, placed in a situation incurring no expense beyond that requisite for their preservation and conveniency for future service, and to have the crews of those at New Orleans reduced to the number required for their navigation and safety.

I have thought, also, that our citizens, detached in quotas of militia amounting to one hundred thousand, under the act of March, one thousand eight hundred and eight, might not improperly be relieved from the state in which they were held for immediate service. A discharge of them has been accordingly directed.

The progress made in raising and organizing the additional military force, for which provision was made by the act of April, one thousand eight hundred and eight, together with the disposition of the troops, will appear by a report which the secretary of war is preparing, and which will be laid before you.

Of the additional frigates required by an act of the last session to be fitted for actual service, two are in readiness, one nearly so, and the fourth is expected to be ready in the month of July. A report which the secretary of the navy is preparing on the subject, to be laid before Congress, will show, at the same time, the progress made in officering and manning these ships. It will show, also, the degree in which the provisions of the act relating to the other public armed ships have been carried into execution.

It will rest with the judgment of Congress to decide how far the change in our external prospect may authorize any modification of the laws relating to the army and navy establishments.

The works of defence for our seaport towns and harbors have proceeded with as much activity as the season of the year and other circumstances would admit. It is necessary, however, to state that the appropriations h therto made being found to be deficient, a further provision will claim the early consideration of Congress.

The whole of the eight per cent. stock remaining due by the United States, amounting to five millions three hundred thousand dollars, had

been reimbursed on the last day of the year 1808. And on the first day of April last the sum in the treasury exceeded nine and a half millions of dollars. This, together with the receipts of the current year on account of former revenue bonds, will probably be nearly, if not altogether sufficient to defray the expenses of the year. But the suspension of exports, and the consequent decrease of importations during the last twelve months, will necessarily cause a great diminution in the receipts of the year one thousand eight hundred and ten. After that year, should our foreign relations be undisturbed, the revenue will again be more than commensurate to all the expenditures.

Aware of the inconveniences of a protracted session at the present season of the year, I forbear to call the attention of the legislature to any matters not particularly urgent. It remains, therefore, only to assure you of the fidelity and alacrity with which I shall co-operate for the welfare and happiness of our country; and to pray it may experience a continuance of the divine blessings by which it has been so signally favored.

FIRST ANNUAL MESSAGE.

NOVEMBER 29, 1809.

Fellow-Citizens of the Senate and House of Representatives:—

AT the period of our last meeting I had the satisfaction of communicating an adjustment with one of the principal belligerent nations, highly important in itself, and still more so as presaging a more extended accommodation. It is with deep concern I am now to inform you that the favorable prospect has been overclouded by a refusal of the British government to abide by the act of its minister plenipotentiary, and by its ensuing policy toward the United States, as seen through the communications of the minister sent to replace him.

Whatever pleas may be urged for a disavowal of engagements formed by diplomatic functionaries in cases where by the terms of the engagements a mutual ratification is reserved, or where notice at the time may have been given of a departure from instructions, or in extraordinary cases essentially violating the principles of equity, a disavowal could not have been apprehended in a case where no such notice or violation existed, where no such ratification was reserved, and more especially where, as is now in proof, an engagement to be executed without any such ratification was contemplated by the instructions given, and where it had, with good faith, been carried into immediate execution on the part of the United States.

These considerations not having restrained the British government from disavowing the arrangement by virtue of which its orders in council were to be revoked, and the event authorizing the renewal of commercial intercourse having thus not taken place, it necessarily became a question of equal urgency and importance, whether the act prohibiting that intercourse was not to be considered as remaining in legal force. This question being, after due deliberation, determined in the affirmative, a proclamation to that effect was issued. It could not but happen, however, that a return to this state of things from that which had followed an execution of the arrangement by the United States would involve difficulties. With a view

to diminish these as much as possible, the instructions from the secretary of the treasury, now laid before you, were transmitted to the collectors of the several ports. If in permitting British vessels to depart without giving bonds not to proceed to their own ports it should appear that the tenor of legal authority has not been strictly pursued, it is to be ascribed to the anxious desire which was felt that no individuals should be injured by so unforeseen an occurrence; and I rely on the regard of Congress for the equitable interests of our own citizens to adopt whatever further provisions may be found requisite for a general remission of penalties involuntarily incurred.

The recall of the disavowed minister having been followed by the appointment of a successor, hopes were indulged that the new mission would contribute to alleviate the disappointment which had been produced, and to remove the causes which had so long embarrassed the good understanding of the two nations. It could not be doubted that it would at least be charged with conciliatory explanations of the steps which had been taken, and with proposals to be substituted for the rejected arrangement. Reasonable and universal as this expectation was, it also has not been fulfilled. From the first official disclosures of the new minister it was found that he had received no authority to enter into explanations relative to either branch of the arrangement disavowed, nor any authority to substitute proposals as to that branch which concerned the British orders in council; and finally, that his proposals with respect to the other branch, the attack on the frigate Chesapeake, were founded on a presumption repeatedly declared to be inadmissible by the United States, that the first step toward adjustment was due from them, the proposals at the same time omitted even a reference to the officer answerable for the murderous aggression, and asserting a claim not less contrary to the British laws and British practice, than to the principles and obligations of the United States.

The correspondence between the department of state and this minister will show how unessentially the features presented in its commencement have been varied in its progress. It will show also that, forgetting the respect due to all governments, he did not refrain from imputations on this, which required that no further communications should be received from him. The necessity of this step will be made known to his Britannic majesty through the minister plenipotentiary of the United States in London. And it would indicate a want of the confidence due to a government which so well understands and exacts what becomes foreign ministers near it, not to infer that the misconduct of its own representative will be viewed in the same light in which it has been regarded here. The British government will learn at the same time that a ready attention will be given to communications through any channel which may be substituted. It will be happy if the change in this respect should be accompanied by a favorable revision of the unfriendly policy which has been so long pursued toward the United States.

With France, the other belligerent, whose trespasses on our commercial rights have long been the subject of our just remonstrances, the posture of our relations does not correspond with the measures taken on the part of the United States to effect a favorable change. The result of the several communications made to her government, in pursuance of the authorities vested by Congress in the executive, is contained in the correspondence of our minister at Paris now laid before you.

By some of the other belligerents, although professing just and amica

ble dispositions, injuries materially affecting our commerce have not been duly controlled or repressed. In these cases, the interpositions deemed proper on our part have not been omitted. But it well deserves the consideration of the legislature, how far both the safety and honor of the American flag may be consulted, by adequate provision against that collusive prostitution of it by individuals, unworthy of the American name, which has so much favored the real or pretended suspicions under which the honest commerce of their fellow-citizens has suffered.

In relation to the powers on the coast of Barbary, nothing has occurred which is not of a nature rather to inspire confidence than distrust, as to the continuance of the existing amity. With our Indian neighbors, the just and benevolent system continued toward them, has also preserved peace, and is more and more advancing habits favorable to their civilization and happiness.

From a statement which will be made by the secretary of war, it will be seen that the fortifications on our maritime frontier are in many of the ports completed; affording the defence which was contemplated, and that a further time will be required to render complete the works in the harbor of New York, and in some other places. By the enlargement of the works and the employment of a greater number of hands at the public armories, the supply of small arms of an improving quality appears to be annually increasing at a rate that, with those made on private contract, may be expected to go far toward providing for the public exigency.

The act of Congress providing for the equipment of our vessels-of-war having been fully carried into execution, I refer to the statement of the secretary of the navy for the information which may be proper on that subject. To that statement is added a view of the transfers of appropriations authorized by the act of the session preceding the last, and of the grounds on which the transfers were made.

Whatever may be the course of your deliberations on the subject of our military establishments, I should fail in my duty in not recommending to your serious attention the importance of giving to our militia, the great bulwark of our security and resource of our power, an organization the best adapted to eventual situations for which the United States ought to be prepared.

The sums which had been previously accumulated in the treasury, together with the receipts during the year ending on the 30th of September last (and amounting to more than nine millions of dollars), have enabled us to fulfil all our engagements and to defray the current expenses of government without recurring to any loan. But the insecurity of our commerce, and the consequent diminution of the public revenue will probably produce a deficiency in the receipts of the ensuing year, for which, and for other details, I refer to the statements which will be transmitted from the treasury.

In the state which has been presented of our affairs with the great parties to a disastrous and protracted war, carried on in a mode equally injurious and unjust to the United States as a neutral nation, the wisdom of the national legislature will be again summoned to the important decision on the alternatives before them. That these will be met in a spirit worthy the councils of a nation conscious both of its rectitude and of its rights, and careful as well of its honor as of its peace, I have an entire confidence. And that the result will be stamped by a unanimity becoming the occasion, and be supported by every portion of our citizens with a patri-

otism enlightened and invigorated by experience, ought as little to be doubted.

In the midst of the wrongs and vexations experienced from external causes, there is much room for congratulation on the prosperity and happiness flowing from our situation at home. The blessing of health has never been more universal. The fruits of the season, though in particular articles and districts short of their usual redundancy, are more than sufficient for our wants and our comforts. The face of our country everywhere presents the evidence of laudable enterprise, of extensive capital, and of durable improvement. In a cultivation of the materials and the extension of useful manufactures, more especially in the general application to household fabrics, we behold a rapid diminution of our dependence on foreign supplies. Nor is it unworthy of reflection that this revolution in our pursuits and habits is in no slight degree a consequence of those impolitic and arbitrary edicts by which the contending nations, in endeavoring each of them to obstruct our trade with the other, have so far abridged our means of procuring the productions and manufactures of which our own are now taking the place.

Recollecting always, that for every advantage which may contribute to distinguish our lot from that to which others are doomed by the unhappy spirit of the times, we are indebted to that Divine Providence whose goodness has been so remarkably extended to this rising nation, it becomes us to cherish a devout gratitude, and to implore from the same Omnipotent source, a blessing on the consultations and measures about to be undertaken for the welfare of our beloved country.

SPECIAL MESSAGE.

JANUARY 3, 1810.

To the Senate and House of Representatives of the United States:—

THE act authorizing a detachment of one hundred thousand men from the militia, will expire on the 30th of March next. Its early revival is recommended, in order that timely steps may be taken for arrangements such as the act contemplated.

Without interfering with the modifications rendered necessary by the defects or the inefficacy of the laws restrictive of commerce or navigation, or with the policy of disallowing to foreign armed vessels the use of our waters, it falls within my duty to recommend also, that, in addition to the precautionary measure authorized by that act, and to the regular troops, for completing the legal establishment of which enlistments are renewed, every necessary provision may be made for a volunteer force of twenty thousand men, to be enlisted for a short period, and held in a state of organization, and readiness for actual service, at the shortest warning.

I submit to the consideration of Congress, moreover, the expediency of such a classification and organization of the militia as will best insure prompt and successive aids from that source, adequate to emergencies which may call for them.

It will rest also with them to determine, how far further provision may

be expedient for putting into actual service, if necessary, any part of the naval armament not now employed.

At a period presenting features in the conduct of foreign powers toward the United States, which may impose upon them the necessity of precautionary measures involving expense, it is a happy consideration that such is the solid state of the public credit, that reliance may be justly placed on any legal provision that may be made for resorting to it, in a convenient form, and to an adequate amount.

SECOND ANNUAL MESSAGE.

DECEMBER 5, 1810.

Fellow-Citizens of the Senate and House of Representatives:—

THE embarrassments which have prevailed in our foreign relations, and so much employed the deliberations of Congress, make it a primary duty in meeting you, to communicate whatever may have occurred in that branch of our national affairs.

The act of the last session of Congress, concerning the commercial intercourse between the United States and Great Britain and France, and their dependencies, having invited in a new form a termination of their edicts against our neutral commerce, copies of the act were immediately forwarded to our ministers at London and Paris, with a view that its object might be within the early attention of the French and British governments.

By the communication received through our minister at Paris, it appeared that a knowledge of the act by the French government was followed by a declaration that the Berlin and Milan decrees were revoked, and would cease to have effect on the first day of November ensuing. These being the only known edicts of France within the description of the act, and the revocation of them being such that they ceased at that date to violate our neutral commerce, the fact, as prescribed by law, was announced by a proclamation bearing date the second day of November.

It would have well accorded with the conciliatory views indicated by this proceeding on the part of France, to have extended them to all the grounds of just complaint which now remain unadjusted with the United States. It was particularly anticipated that as a further evidence of just dispositions toward them, restoration would have been immediately made of the property of our citizens seized under misapplication of the principle of reprisals combined with a misconstruction of the law of the United States. This expectation has not been fulfilled.

From the British government no communication on the subject of the act has been received. To a communication from our minister at London of a revocation by the French government of its Berlin and Milan decrees it was answered, that the British system would be relinquished as soon as the repeal of the French decrees should have actually taken effect, and the commerce of neutral nations have been restored to the condition in which it stood previously to the promulgation of those decrees. This pledge, although it does not necessarily import, does not exclude the intention of relinquishing, along with the orders in council, the practice of

those novel blockades which have a like effect of interrupting our neutral commerce; and this further justice to the United States is the rather to be looked for, inasmuch as the blockades in question, being not more contrary to the established law of nations than inconsistent with the rules of blockade formally recognised by Great Britain herself, could have no alleged basis other than the plea of retaliation alleged as the basis of the orders in council. Under the modification of the original orders of November, 1807, into the orders of April, 1809, there is indeed scarcely a nominal distinction between the orders and the blockades. One of those illegitimate blockades, bearing date in May, 1806, having been expressly avowed to be still unrescinded, and to be in effect comprehended in the orders in council, was too distinctly brought within the purview of the act of Congress not to be comprehended in the explanation of the requisites to a compliance with it. The British government was accordingly apprized by our minister near it, that such was the light in which the subject was to be regarded.

On the other important subjects depending between the United States and that government, no progress has been made from which an early and satisfactory result can be relied on.

In this new posture of our relations with those powers, the consideration of Congress will be properly turned to a removal of doubts which may occur in the exposition, and of difficulties in the execution, of the act above cited.

The commerce of the United States with the north of Europe, heretofore much vexed by licentious cruisers, particularly under the Danish flag, has latterly been visited with fresh and extensive depredations. The measures pursued in behalf of our injured citizens not having obtained justice for them, a further and more formal interposition with the Danish government is contemplated. The principles which have been maintained by that government in relation to neutral commerce, and the friendly professions of his Danish majesty toward the United States, are valuable pledges in favor of a successful issue.

Among the events growing out of the state of the Spanish monarchy, our attention was imperiously attracted to the change developing itself in that portion of West Florida which, though of right appertaining to the United States, had remained in the possession of Spain, awaiting the result of negotiations for its actual delivery to them. The Spanish authority was subverted, and a situation produced exposing the country to ulterior events which might essentially affect the rights and welfare of the Union. In such a conjuncture, I did not delay the interpositions required for the occupancy of the territory west of the river Perdido, to which the title of the United States extends, and to which the laws provided for the territory of Orleans are applicable. With this view, the proclamation, of which a copy is laid before you, was confided to the governor of that territory to be carried into effect. The legality and necessity of the course pursued assure me of the favorable light in which it will present itself to the legislature, and of the promptitude with which they will supply whatever provisions may be due to the essential rights and equitable interests of the people thus brought into the bosom of the American family.

Our amity with the powers of Barbary, with the exception of a recent occurrence at Tunis, of which an explanation is just received, appears to have been uninterrupted and to have become more firmly established.

With the Indian tribes, also, the peace and friendship of the United

States are found to be so eligible, that the general disposition to preserve both continues to gain strength.

I feel particular satisfaction in remarking that an interior view of our country presents us with grateful proofs of its substantial and increasing prosperity. To a thriving agriculture, and the improvements relating to it, is added a highly interesting extension of useful manufactures, the combined product of professional occupations and of household industry. Such, indeed, is the experience of economy, as well as of policy, in these substitutes for supplies heretofore obtained by foreign commerce, that in a national view the change is justly regarded as of itself more than a recompense for those privations and losses resulting from foreign injustice which furnished the general impulse required for its accomplishment. How far it may be expedient to guard the infancy of this improvement in the distribution of labor by regulations of the commercial tariff, is a subject which can not fail to suggest itself to your patriotic reflections.

It will rest with the consideration of Congress, also, whether a provident as well as fair encouragement would not be given to our navigation by such regulations as would place it on a level of competition with foreign vessels, particularly in transporting the important and bulky productions of our own soil. The failure of equality and reciprocity in the existing regulations on this subject operates in our ports as a premium to foreign competitors; and the inconvenience must increase as these may be multiplied, under more favorable circumstances, by the more than countervailing encouragements now given them by the laws of their respective countries.

While it is universally admitted that a well-instructed people alone can be permanently a free people, and while it is evident that the means of diffusing and improving useful knowledge form so small a proportion of the expenditures for national purposes, I can not presume it to be unseasonable to invite your attention to the advantages of superadding to the means of education provided by the several states a seminary of learning instituted by the national legislature, within the limits of their exclusive jurisdiction, the expense of which might be defrayed or reimbursed out of the vacant grounds which have accrued to the nation within those limits.

Such an institution, though local in its legal character, would be universal in its beneficial effects. By enlightening the opinions, by expanding the patriotism, and by assimilating the principles, the sentiments, and the manners of those who might resort to this temple of science, to be redistributed in due time through every part of the community, sources of jealousy and prejudice would be diminished, the features of national character would be multiplied, and greater extent given to social harmony. But above all, a well-constituted seminary, in the centre of the nation, is recommended by the consideration that the additional instruction emanating from it would contribute not less to strengthen the foundations than to adorn the structure of our free and happy system of government.

Among the commercial abuses still committed under the American flag, and leaving in force my former reference to that subject, it appears that American citizens are instrumental in carrying on a traffic in enslaved Africans, equally in violation of the laws of humanity and in defiance of those of their own country. The same just and benevolent motives which produced the interdiction in force against this criminal conduct will doubtless be felt by Congress in devising further means of suppressing the evil.

In the midst of uncertainties necessarily connected with the great in-

terests of the United States, prudence requires a continuance of our defensive and precautionary arrangements. The secretary of war and the secretary of the navy will submit the statements and estimates which may aid Congress in their ensuing provisions for the land and naval forces. The statements of the latter will include a view of the transfers of appropriations in the naval expenditures, and the grounds on which they were made.

The fortifications for the defence of our maritime frontier have been prosecuted according to the plan laid down in 1808. The works, with some exceptions, are completed and furnished with ordnance. Those for the security of the city of New York, though far advanced toward completion, will require a further time and appropriation. This is the case with a few others, either not completed or in need of repairs.

The improvements in quality and quantity, made in the manufacture of cannon and small arms, both at the public armories and private factories, warrant additional confidence in the competency of these resources for supplying the public exigencies.

These preparations for arming the militia having thus far provided for one of the objects contemplated by the power vested in Congress with respect to that great bulwark of the public safety, it is for their consideration whether further provisions are not requisite for the other contemplated objects of organization and discipline. To give to this great mass of physical and moral force the efficiency which it merits, and is capable of receiving, it is indispensable that they should be instructed and practised in the rules by which they are to be governed. Toward an accomplishment of this important work, I recommend for the consideration of Congress the expediency of instituting a system which shall in the first instance call into the field, at the public expense and for a given time, certain portions of the commissioned and non-commissioned officers. The instruction and discipline thus acquired would gradually diffuse through the entire body of the militia that practical knowledge and promptitude for active service which are the great ends to be pursued. Experience has left no doubt either of the necessity or of the efficacy of competent military skill in those portions of an army, in fitting it for the final duties which it may have to perform.

The corps of engineers, with the military academy, are entitled to the early attention of Congress. The buildings at the seat fixed by law for the present academy, are so far in decay as not to afford the necessary accommodation. But a revision of the law is recommended, principally with a view to a more enlarged cultivation and diffusion of the advantages of such institutions, by providing professorships for all the necessary branches of military instruction, and by the establishment of an additional academy at the seat of government or elsewhere. The means by which wars, as well for defence as for offence, are now carried on, render these schools of the more scientific operations an indispensable part of every adequate system. Even among nations whose large standing armies and frequent wars afford every other opportunity of instruction, these establishments are found to be indispensable for the due attainment of the branches of military science which require a regular course of study and experiment. In a government happily without the other opportunities, seminaries where the elementary principles of the art of war can be taught without actual war, and without the expense of extensive and standing armies, have the precious advantage of uniting an essential preparation

against external danger with a scrupulous regard to internal safety. In no other way, probably, can a provision of equal efficacy for the public defence be made at so little expense, or more consistently with the public liberty.

The receipts into the treasury during the year ending on the 30th of September last (and amounting to more than eight millions and a half of dollars), have exceeded the current expenses of government, including the interest on the public debt. For the purpose of reimbursing, at the end of the year, three millions seven hundred and fifty thousand dollars of the principal, a loan, as authorized by law, had been negotiated to that amount, but has since been reduced to two millions seven hundred and fifty thousand dollars; the reduction being permitted by the state of the treasury, in which there will be a balance remaining at the end of the year, estimated at two millions of dollars. For the probable receipts of the next year, and other details, I refer to statements which will be transmitted from the treasury, and which will enable you to judge what further provisions may be necessary for the ensuing years.

Reserving for future occasions in the course of the session whatever other communications may claim your attention, I close the present by expressing my reliance, under the blessing of Divine Providence, on the judgment and patriotism which will guide your measures, at a period particularly calling for united councils and inflexible exertions for the welfare of our country, and by assuring you of the fidelity and alacrity with which my co-operation will be afforded.

SPECIAL MESSAGE.

FEBRUARY 21, 1811.

To the House of Representatives of the United States:—

HAVING examined and considered the bill, entitled, "An act incorporating the Protestant Episcopal Church, in the town of Alexandria, in the District of Columbia," I now return the bill to the house of representatives, in which it originated, with the following objections:—

Because the bill exceeds the rightful authority to which governments are limited, by the essential distinction between civil and religious functions, and violates, in particular, the article of the constitution of the United States, which declares, that "Congress shall make no law respecting a religious establishment." The bill enacts into, and establishes by law, sundry rules and proceedings relative purely to the organization and polity of the church incorporated, and comprehending even the election and removal of the minister of the same; so that no change could be made therein by the particular society, or by the general church of which it is a member, and whose authority it recognises. This particular church, therefore, would so far be a religious establishment by law; a legal force and sanction being given to certain articles in her constitution and administration. Nor can it be considered, that the articles thus established are to be taken as the descriptive criteria only of the corporate identity of the society, inasmuch as this identity must depend upon other characteristics; as the regulations established are generally unessential, and alterable according to the principles and canons, by which churches of that denom-

ination govern themselves; and as the injunctions and prohibitions contained in the regulations, would be enforced by the general consequences applicable to a violation of them according to the local law.

Because the bill vests in the said incorporated church, an authority to provide for the support of the poor, and the education of the poor children of the same; an authority which being altogether superfluous, if the provision is to be the result of pious charity, would be a precedent for giving to religious societies as such, a legal agency in carrying into effect a public and civil duty.

SPECIAL MESSAGE.

FEBRUARY 28, 1811.

To the House of Representatives of the United States:—

HAVING examined and considered the bill, entitled, "An act for the relief of Richard Tervin, William Coleman, Edwin Lewis, Samuel Mims, Joseph Wilson, and the Baptist church at Salem meeting-house, in the Mississippi territory," I now return the same to the house of representatives, in which it originated, with the following objection:—

Because the bill, in reserving a certain parcel of land of the United States for the use of the said Baptist church, comprises a principle and precedent for the appropriation of funds of the United States, for the use and support of religious societies; contrary to the article of the constitution which declares that "Congress shall make no law respecting a religious establishment."

THIRD ANNUAL MESSAGE.

NOVEMBER 5, 1811.

Fellow-Citizens of the Senate and House of Representatives:—

IN calling you together sooner than a separation from your homes would otherwise have been required, I yielded to considerations drawn from the posture of our foreign affairs; and in fixing the present for the time of your meeting, regard was had to the probability of further developments of the policy of the belligerent powers toward this country, which might the more unite the national councils in the measures to be pursued.

At the close of the last session of Congress, it was hoped that the successive confirmations of the extinction of the French decrees, so far as they violated our neutral commerce, would have induced the government of Great Britain to repeal its orders in council, and thereby authorize a removal of the existing obstructions to her commerce with the United States.

Instead of this reasonable step toward satisfaction and friendship between the two nations, the orders were, at a moment when least to have been expected, put into more rigorous execution; and it was communicated through the British envoy just arrived, that while the revocation of the

edicts of France, as officially made known to the British government, was denied to have taken place, it was an indispensable condition of the repeal of the British orders that commerce should be restored to a footing that would admit the productions and manufactures of Great Britain, when owned by neutrals, into markets shut against them by her enemy; the United States being given to understand that, in the meantime, a continuance of their non-importation act would lead to measures of retaliation.

At a later date, it has indeed appeared that a communication to the British government of fresh evidence of the repeal of the French decrees against our neutral trade was followed by an intimation that it had been transmitted to the British plenipotentiary here in order that it might receive full consideration in the depending discussions. This communication appears not to have been received; but the transmission of it hither, instead of founding on it an actual repeal of the orders, or assurances that the repeal would ensue, will not permit us to rely on any effective change in the British cabinet. To be ready to meet with cordiality satisfactory proofs of such a change, and to proceed in the meantime in adapting our measures to the views which have been disclosed through that minister, will best consult our whole duty.

In the unfriendly spirit of those disclosures, indemnity and redress for other wrongs have continued to be withheld, and our coasts and the mouths of our harbors have again witnessed scenes not less derogatory to the dearest of our national rights than vexatious to the regular course of our trade.

Among the occurrences produced by the conduct of British ships-of-war hovering on our coasts, was an encounter between one of them and the American frigate commanded by Captain Rodgers, rendered unavoidable on the part of the latter by a fire commenced without cause by the former, whose commander is therefore alone chargeable with the blood unfortunately shed in maintaining the honor of the American flag. The proceedings of a court of inquiry requested by Captain Rodgers are communicated, together with the correspondence relating to the occurrence between the secretary of state and his Britannic majesty's envoy. To these are added the several correspondences which have passed on the subject of the British orders in council, and to both, the correspondence relating to the Floridas, in which Congress will be made acquainted with the interposition which the government of Great Britain has thought proper to make against the proceedings of the United States.

The justness and fairness which have been evinced on the part of the United States toward France, both before and since the revocation of her decrees, authorized an expectation that her government would have followed up that measure by all such others as were due to our reasonable claims, as well as dictated by its amicable professions. No proof, however, is yet given of an intention to repair the other wrongs done to the United States, and particularly to restore the great amount of American property seized and condemned under edicts which, though not affecting our neutral relations, and therefore not entering into questions between the United States and other belligerents, were nevertheless founded in such unjust principles that the reparation ought to have been prompt and ample.

In addition to this and other demands of strict right on that nation, the United States have much reason to be dissatisfied with the rigorous and unexpected restrictions to which their trade with the French dominions

has been subjected, and which, if not discontinued, will require at east corresponding restrictions on importations from France into the United States.

On all those subjects our minister plenipotentiary, lately sent to Paris, has carried with him the necessary instructions, the result of which will be communicated to you, and, by ascertaining the ulterior policy of the French government toward the United States, will enable you to adapt to it that of the United States toward France.

Our other foreign relations remain without unfavorable changes. With Russia they are on the best footing of friendship. The ports of Sweden have afforded proofs of friendly dispositions toward our commerce in the councils of that nation also. And the information from our special minister to Denmark shows that the mission had been attended with valuable effects to our citizens, whose property had been so extensively violated and endangered by cruisers under the Danish flag.

Under the ominous indications which commanded attention, it became a duty to exert the means committed to the executive department in providing for the general security. The works of defence on our maritime frontier have accordingly been prosecuted with an activity leaving little to be added for the completion of the most important ones; and as particularly suited for co-operation in emergencies, a portion of the gun-boats have in particular harbors been ordered into use. The ships-of-war before in commission, with the addition of a frigate, have been chiefly employed as a cruising guard to the rights of our coast; and such a disposition has been made of our land forces as was thought to promise the services most appropriate and important. In this disposition is included a force consisting of regulars and militia, embodied in the Indiana territory and marched toward our northwestern frontier. This measure was made requisite by several murders and depredations committed by Indians, but more especially by the menacing preparations and aspect of a combination of them on the Wabash, under the influence and direction of a fanatic of the Shawanese tribe. With these exceptions, the Indian tribes retain their peaceable dispositions toward us, and their usual pursuits.

I must now add, that the period is arrived which claims from the legislative guardians of the national rights a system of more ample provisions for maintaining them. Notwithstanding the scrupulous justice, the protracted moderation, and the multiplied efforts on the part of the United States, to substitute for the accumulating dangers to the peace of the two countries all the mutual advantages of re-established friendship and confidence, we have seen that the British cabinet perseveres not only in withholding a remedy for other wrongs, so long and so loudly calling for it, but in the execution, brought home to the threshold of our territory, of measures which under existing circumstances have the character as well as the effect of war on our lawful commerce.

With this evidence of hostile inflexibility in trampling on rights which no independent nation can relinquish, Congress will feel the duty of putting the United States into an armor and an attitude demanded by the crisis, and corresponding with the national spirit and expectations.

I recommend, accordingly, that adequate provision be made for filling the ranks and prolonging the enlistments of the regular troops; for an auxiliary force to be engaged for a more limited term; for the acceptance of volunteer corps, whose patriotic ardor may court a participation in urgent services; for detachments as they may be wanted of other portions

of the militia; and for such a preparation of the great body as will proportion its usefulness to its intrinsic capacities. Nor can the occasion fail to remind you of the importance of those military seminaries which in every event will form a valuable and frugal part of our military establishment.

The manufacture of cannon and small arms has proceeded with due success, and the stock and resources of all the necessary munitions are adequate to emergencies. It will not be inexpedient, however, for Congress to authorize an enlargement of them.

Your attention will of course be drawn to such provisions on the subject of our naval force as may be required for the services to which it may be best adapted. I submit to Congress the seasonableness, also, of an authority to augment the stock of such materials as are imperishable in their nature, or may not at once be attainable.

In contemplating the scenes which distinguish this momentous epoch, and estimating their claims to our attention, it is impossible to overlook those developing themselves among the great communities which occupy the southern portion of our own hemisphere and extend into our neighborhood. An enlarged philanthropy and an enlighted forecast concur in imposing on the national councils an obligation to take a deep interest in their destinies; to cherish reciprocal sentiments of good will; to regard the progress of events, and not to be unprepared for whatever order of things may be ultimately established.

Under another aspect of our situation, the early attention of Congress will be due to the expediency of further guards against evasions and infractions of our commercial laws. The practice of smuggling, which is odious everywhere, and particularly criminal in free governments, where, the laws being made by all for the good of all, a fraud is committed on every individual as well as on the state, attains its utmost guilt when it blends with a pursuit of ignominious gain a treacherous subserviency, in the transgressors, to a foreign policy adverse to that of their own country. It is then that the virtuous indignation of the public should be enabled to manifest itself through the regular animadversions of the most competent laws.

To secure greater respect to our mercantile flag, and to the honest interest which it covers, it is expedient also that it be made punishable in our citizens to accept licenses from foreign governments for a trade unlawfully interdicted by them to other American citizens, or to trade under false colors or papers of any sort.

A prohibition is equally called for against the acceptance by our citizens of special licenses to be used in a trade with the United States; and against the admission into particular ports of the United States of vessels from foreign countries authorized to trade with particular ports only.

Although other subjects will press more immediately on your deliberations, a portion of them can not but be well bestowed on the just and sound policy of securing to our manufactures the success they have attained, and are still attaining, in some degree, under the impulse of causes not permanent; and to our navigation the fair extent of which is at present abridged by the unequal regulations of foreign governments.

Besides the reasonableness of saving our manufactures from sacrifices which a change of circumstances might bring on them, the national interest requires that, with respect to such articles at least as belong to our defence and our primary wants, we should not be left in unnecessary dependence on external supplies. And while foreign governments adhere

to the existing discrimination in their ports against our navigation, and an equality or lesser discrimination is enjoyed by their navigation in our ports, the effect can not be mistaken, because it has been seriously felt by our shipping interests; and in proportion as this takes place, the advantages of an independent conveyance of our products to foreign markets, and of a growing body of mariners trained by their occupations for the service of their country in times of danger, must be diminished.

The receipts into the treasury during the year ending on the 30th of September last have exceeded thirteen millions and a half of dollars, and have enabled us to defray the current expenses, including the interest on the public debt, and to reimburse more than five millions of dollars of the principal, without recurring to the loan authorized by the act of the last session. The temporary loan obtained in the latter end of the year one thousand eight hundred and ten has also been reimbursed, and is not included in that amount.

The decrease of revenue arising from the situation of our commerce and the extraordinary expenses which have and may become necessary, must be taken into view, in making commensurate provisions for the ensuing year. And I recommend to your consideration the propriety of insuring a sufficiency of annual revenue, at least to defray the ordinary expenses of government, and to pay the interest on the public debt, including that on new loans which may be authorized.

I can not close this communication without expressing my deep sense of the crisis in which you are assembled, my confidence in a wise and honorable result to your deliberations, and assurances of the faithful zeal with which my co-operating duties will be discharged; invoking at the same time the blessing of Heaven on our beloved country, and on all the means that may be employed in vindicating its rights and advancing its welfare.

SPECIAL MESSAGE.

DECEMBER 12, 1811.

To the Senate and House of Representatives of the United States:—

I LAY before Congress two letters received from Governor Harrison, of the Indian territory, reporting the particulars and the issue of the expedition under his command, of which notice was taken in my communication of November 5th.

While it is deeply lamented that so many valuable lives have been lost in the action which took place on the seventh ultimo, Congress will see with satisfaction the dauntless spirit and fortitude victoriously displayed by every description of the troops engaged, as well as the collected firmness which distinguished their commander, on an occasion requiring the utmost exertions of valor and discipline.

It may reasonably be expected that the good effects of this critical defeat and dispersion of a combination of savages, which appears to have been spreading to a greater extent, will be experienced, not only in the cessation of murders and depredations committed on our frontier, but in the prevention of any hostile incursions otherwise to have been apprehended.

The families of those brave and patriotic citizens, who have fallen in this severe conflict, will doubtless engage the favorable attention of Congress.

SPECIAL MESSAGE.

DECEMBER 23, 1811.

To the Senate and House of Representatives of the United States:—

I COMMUNICATE to Congress copies of an act of the legislature of New York relating to a canal from the great lakes to Hudson river. In making the communication, I consult the respect due to that state, in whose behalf the commissioners appointed by the act have placed it in my hands for the purpose.

The utility of canal navigation is universally admitted. It is no less certain that scarcely any country offers more extensive opportunities for that branch of improvements than the United States, and none, perhaps, inducements equally persuasive to make the most of them. The particular undertaking contemplated by the state of New York, which marks an honorable spirit of enterprise and comprises objects of national as well as more limited importance, will recall the attention of Congress to the signal advantages to be derived to the United States from a general system of internal communication and conveyance, and suggest to their consideration whatever steps may be proper on their part toward its introduction and accomplishment. As some of those advantages have an intimate connexion with the arrangements and exertions for the general security, it is at a period calling for these that the merits of such a system will be seen in the strongest lights.

SPECIAL MESSAGE.

MARCH 9, 1812.

To the Senate and House of Representatives of the United States:—

I LAY before Congress copies of certain documents which remain in the department of state. They prove that at a recent period, while the United States, notwithstanding the wrongs sustained by them, ceased not to observe the laws of peace and neutrality toward Great Britain, and in the midst of amicable professions and negotiations on the part of the British government, through its public minister here, a secret agent of that government was employed in certain states, more especially at the seat of government in Massachusetts, in fomenting disaffection to the constituted authorities of the nation, and in intrigues with the disaffected, for the purpose of bringing about resistance to the laws, and eventually, in concert with a British force, of destroying the Union and forming the eastern part thereof into a political connexion with Great Britain.

In addition to the effect which the discovery of such a procedure ought to have on the public councils, it will not fail to render more dear to the

hearts of all good citizens that happy union of these states, which, under Divine Providence, is the guarantee of their liberties, their safety, their tranquillity, and their prosperity.

CONFIDENTIAL MESSAGE.

APRIL 1, 1812.

To the Senate and House of Representatives of the United States:—

CONSIDERING it as expedient, under existing circumstances and prospects, that a general embargo be laid on all vessels now in port, or hereafter arriving, for the period of sixty days, I recommend an immediate passage of a law to that effect.

SPECIAL MESSAGE.

APRIL 3, 1812.

To the House of Representatives of the United States:—

HAVING examined and considered the bill, entitled, "An act providing for the trial of causes pending in the respective district courts of the United States, in cases of the absence or disability of the judges thereof," which bill was presented to me on the twenty-fifth of March past, I now return the same to the house of representatives, in which it originated, with the following objections:—

Because the additional services imposed by the bill on the justices of the supreme court of the United States, are to be performed by them rather in the quality of other judges of other courts, namely, judges of the district courts, than in the quality of justices of the supreme court. They are to hold the district courts, and to do and perform all acts relating to the said courts, which are, by law, required of the district judges. The bill, therefore, virtually appoints, for the time, the justices of the supreme court to other distinct offices, to which, if compatible with their original offices, they ought to be appointed by another than the legislative authority, in pursuance of legislative provisions authorizing the appointments.

Because the appeal allowed by law, for the decision of the district courts to the circuit courts, while it corroborates the construction which regards a judge of one court as clothed with a new office, by being constituted a judge of the other, submits for correction erroneous judgments, not to superior or other judges, but to the erring individual himself, acting as sole judge of the appellate court.

Because the additional services to be required, may, by distances of place, and by the casualties contemplated by the bill, become disproportionate to the strength and health of the justices that are to perform them. The additional services being, moreover, entitled to no additional compensation, nor the additional expenses incurred to reimbursment. In this view, the bill appears to be contrary to equity, as well as a precedent to modifications and extensions on judicial services encroaching on the constitutional tenure of judicial offices.

Because, by referring to the president of the United States questions of disability in the district judges, and of the unreasonableness of delaying the suits or cases pending in the district courts, and leaving it with him in such cases to require the justices of the supreme court to perform additional services, the bill introduces an unsuitable relation of members of the judiciary department to a discretionary authority of the executive department.

SPECIAL MESSAGE.

APRIL 20, 1812.

To the Senate and House of Representatives of the United States:—

AMONG the incidents of the unexampled increase and expanding interests of the American nation, under the fostering influence of free institutions and just laws, has been a corresponding accumulation of duties of the several departments of the government; and this has been necessarily the greater in consequence of the peculiar state of our foreign relations, and the connexion of these with our internal administration.

The extensive and multiplied preparations, into which the United States are at length driven for maintaining their violated rights, have caused this augmentation of business to press on the department of war, particularly, with a weight disproportionate to the powers of any single officer, with no other aids than are authorized by existing laws. With a view to a more adequate arrangement for the essential objects of that department, I recommend to an early consideration of Congress a provision for two subordinate appointments therein; with such compensations annexed as may be reasonably expected by citizens duly qualified for the important functions which may be properly assigned to them.

CONFIDENTIAL MESSAGE.

JUNE 1, 1812.

To the Senate and House of Representatives of the United States:—

I COMMUNICATE to Congress certain documents, being a continuation of those heretofore laid before them on the subject of our affairs with Great Britain.

Without going back beyond the renewal, in 1803, of the war in which Great Britain is engaged, and omitting unrepaired wrongs of inferior magnitude, the conduct of her government presents a series of acts hostile to the United States as an independent and neutral nation.

British cruisers have been in the continued practice of violating the American flag on the great highway of nations, and seizing and carrying off persons sailing under it; not in the exercise of a belligerent right founded on the law of nations against an enemy, but of a municipal prerogative over British subjects. British jurisdiction is thus extended to neutral vessels in a situation where no laws can operate but the law of na-

tions and the laws of the country to which the vessels belong, and a self redress is assumed, which, if British subjects were wrongfully detained and alone concerned, is that substitution of force for a resort to the responsible sovereign which falls within the definition of war. Could the seizure of British subjects in such cases be regarded as within the exercise of a belligerent right, the acknowledged laws of war, which forbids an article of captured property to be adjudged without a regular investigation before a competent tribunal, would imperiously demand the fairest trial where the sacred rights of persons were at issue. In place of such a trial, these rights are subjected to the will of every petty commander.

The practice, hence, is so far from affecting British subjects alone, that under the pretext of searching for these, thousands of American citizens, under the safeguard of national law and of their national flag, have been torn from their country and everything dear to them; have been dragged on board of ships-of-war of a foreign nation and exposed, under the severities of their discipline, to be exiled to the most distant and deadly climes, to risk their lives in the battles of their oppressors, and to be the melancholy instruments of taking away those of their own brethren.

Against this crying enormity which Great Britain would be so prompt to avenge if committed against herself, the United States have in vain exhausted remonstrances and expostulations, and that no proof might be wanting of their conciliatory disposition, and no pretext left for a continuance of the practice, the British government was formally assured of the readiness of the United States to enter into arrangements such as could not be rejected if the recovery of British subjects were the real and the sole object. The communication passed without effect.

British cruisers have been in the practice also of violating the rights and peace of our coasts. They hover over and harass our entering and departing commerce. To the most insulting pretensions they have added the most lawless proceedings in our very harbors, and have wantonly spilt American blood within the sanctuary of our territorial jurisdiction. The principles and rules enforced by that nation, when a neutral nation, against armed vessels of belligerents hovering near her coasts and disturbing her commerce, are well known. When called on, nevertheless, by the United States, to punish the greater offences committed by her own vessels, her government has bestowed on their commanders additional marks of honor and confidence.

Under pretended blockades, without the presence of an adequate force and sometimes without the practicability of applying one, our commerce has been plundered in every sea, the great staples of our country have been cut off, from their legitimate markets, and a destructive blow aimed at our agricultural and maritime interests. In aggravation of these predatory measures, they have been considered as in force from the dates of their notification; a retrospective effect being thus added, as has been done in other important cases, to the unlawfulness of the course pursued. And to render the outrage the more signal, these mock blockades have been reiterated and enforced in the face of official communications from the British government, declaring, as the true definition of a legal blockade, that "particular ports must be actually invested, and previous warning given to vessels bound to them not to enter."

Not content with these occasional expedients for laying waste our neutral trade, the cabinet of Great Britain resorted at length to the sweeping system of blockades, under the name of orders in council, which has been

moulded and managed as might best suit its political views, its commercial jealousies, or the avidity of British cruisers.

To our remonstrances against the complicated and transcendent injustice of this innovation, the first reply was, that the orders were reluctantly adopted by Great Britain as a necessary retaliation on decrees of her enemy proclaiming a general blockade of the British isles, at a time when the naval force of that enemy dared not to issue from his own ports. She was reminded without effect, that her own prior blockades, unsupported by an adequate naval force actually applied and continued, were a bar to this plea; that executed edicts against millions of our property could not be retaliation on edicts confessedly impossible to be executed; that retaliation, to be just should fall on the party setting the guilty example, not on an innocent party which was not even chargeable with an acquiescence in it.

When deprived of this flimsy veil for a prohibition of our trade with her enemy, by the repeal of his prohibition of our trade with Great Britain, her cabinet, instead of a corresponding repeal, or a practical discontinuance of its orders, formally avowed a determination to persist in them against the United States, until the markets of her enemy should be laid open to British products, thus asserting an obligation on a neutral power to require one belligerent to encourage by its internal regulations the trade of another belligerent, contradicting her own practice toward all nations, in peace as well as in war, and betraying the insincerity of those professions which inculcated a belief that, having resorted to her orders with regret, she was anxious to find an occasion for putting an end to them.

Abandoning still more all respect for the neutral rights of the United States, and for its own consistency, the British government now demands, as pre-requisites to a repeal of its orders as they relate to the United States, that a formality should be observed in the repeal of the French decrees, nowise necessary to their termination, nor exemplified by British usage; and that the French repeal, besides including that portion of the decrees which operate within a territorial jurisdiction as well as that which operates on the high seas against the commerce of the United States should not be a single and special repeal in relation to the United States, but should be extended to whatever other neutral nations, unconnected with them, may be affected by those decrees. And as an additional insult they are called on for a formal disavowal of conditions and pretensions advanced by the French government, for which the United States are so far from having made themselves responsible, that, in official explanations which have been published to the world, and in a correspondence of the American minister at London with the British minister of foreign affairs, such a responsibility was explicitly and emphatically disclaimed.

It has become, indeed, sufficiently certain, that the commerce of the United States is to be sacrificed, not as interfering with the belligerent rights of Great Britain; not as supplying the wants of her enemies, which she herself supplies; but as interfering with the monopoly which she covets for her own commerce and navigation. She carries on a war against the lawful commerce of a friend that she may the better carry on a commerce with an enemy—a commerce polluted by the forgeries and perjuries which are for the most part the only passports by which it can succeed.

Anxious to make every experiment short of the last resort of injured

nations, the United States have withheld from Great Britain, under successive modifications, the benefits of a free intercourse with her market, the loss of which could not but outweigh the profits accruing from her restrictions of our commerce with other nations. And to entitle these experiments to the more favorable consideration, they were so framed as to enable her to place her adversary under the exclusive operation of them. To these appeals her government has been equally inflexible, as if willing to make sacrifices of every sort rather than to yield to the claims of justice or renounce the errors of a false pride. Nay, so far were the attempts carried to overcome the attachment of the British cabinet to its unjust edicts, that it received every encouragement within the competency of the executive branch of our government to expect that a repeal of them would be followed by a war between the United States and France, unless the French edicts should also be repealed. Even this communication, although silencing for ever the plea of a disposition in the United States to acquiesce in those edicts, originally the sole plea for them, received no attention.

If no other proof existed of a pre-determination of the British government against a repeal of its orders, it might be found in the correspondence of the minister plenipotentiary of the United States, at London, and the British secretary of foreign affairs in 1810, on the question whether the blockade of May, 1806, was considered as in force or as not in force. It had been ascertained that the French government, which urged this blockade as the ground of its Berlin decree, was willing in the event of its removal to repeal that decree; which being followed by alternate repeals of the other offensive edicts, might abolish the whole system on both sides. This inviting opportunity for accomplishing an object so important to the United States, and professed, so often, to be the desire of both the belligerents, was made known to the British government. As that government admits that an actual application of an adequate force is necessary to the existence of legal blockade, and it was notorious that if such a force had ever been applied its long discontinuance had annulled the blockade in question, there could be no sufficient objection on the part of Great Britain to a formal revocation of it, and no imaginable objection to a declaration of the fact that the blockade did not exist. The declaration would have been consistent with her avowed principles of blockade; and would have enabled the United States to demand from France the pledged repeal of her decrees, either with success, in which case the way would have been opened for a general repeal of the belligerent edicts; or without success, in which case the United States would have been justified in turning their measures exclusively against France. The British government would, however, neither rescind the blockade, nor declare its non-existence; nor permit its non-existence to be inferred and affirmed by the American plenipotentiary. On the contrary, by representing the blockade to be comprehended in the orders in council, the United States were compelled so to regard it, in their subsequent proceedings.

There was a period when a favorable change in the policy of the British cabinet was justly considered as established. The minister plenipotentiary of his Britannic majesty here, proposed an adjustment of the differences more immediately endangering the harmony of the two countries. The proposition was accepted with the promptitude and cordiality corresponding with the invariable professions of this government. A foundation appeared to be laid for a sincere and lasting reconciliation.

The prospect, however, quickly vanished. The whole proceeding was disavowed by the British government, without any explanations which could at that time repress the belief that the disavowal proceeded from a spirit of hostility to the commercial rights and prosperity of the United States. And it has since come into proof that at the very moment when the public minister was holding the language of friendship, and inspiring confidence in the sincerity of the negotiation with which he was charged, a secret agent of his government was employed in intrigues, having for their object a subversion of our government and a dismemberment of our happy union.

In reviewing the conduct of Great Britain toward the United States, our attention is necessarily drawn to the warfare just renewed by the savages on one of our extensive frontiers—a warfare which is known to spare neither age nor sex, and to be distinguished by features peculiarly shocking to humanity. It is difficult to account for the activity and combinations which have been for some time developing themselves among tribes in constant intercourse with British traders and garrisons, without connecting their hostility with that influence, and without recollecting the authenticated examples of such interpositions heretofore furnished by the officers and agents of that government.

Such is the spectacle of injuries and indignities which have been heaped on our country; and such the crisis which its unexampled forbearance and conciliatory efforts have not been able to avert. It might at least have been expected that an enlightened nation, if less urged by moral obligations or invited by friendly disposition on the part of the United States, would have found, in its true interest alone, a sufficient motive to respect their rights and their tranquillity on the high seas; that an enlarged policy would have favored that free and general circulation of commerce in which the British nation is at all times interested, and which in times of war is the best alleviation of its calamities to herself, as well as to other belligerents; and more especially that the British cabinet would not, for the sake of a precarious and surreptitious intercourse with hostile markets, have persevered in a course of measures which necessarily put at hazard the invaluable market of a great and growing country, disposed to cultivate the mutual advantages of an active commerce.

Other counsels have prevailed. Our moderation and conciliation have had no other effect than to encourage perseverance and to enlarge pretensions. We behold our seafaring citizens still the daily victims of lawless violence, committed on the great and common highway of nations, even within sight of the country which owes them protection. We behold our vessels, freighted with the products of our soil and industry, or returning with the honest proceeds of them, wrested from their lawful destinations, confiscated by prize courts, no longer the organs of public law, but the instruments of arbitrary edicts, and their unfortunate crews dispersed and lost, or forced or inveigled in British ports into British fleets, while arguments are employed in support of these aggressions, which have no foundation but in a principle equally supporting a claim to regulate our external commerce in all cases whatsoever.

We behold, in fine, on the side of Great Britain, a state of war against the United States; and on the side of the United States, a state of peace toward Great Britain.

Whether the United States shall continue passive under these progressive usurpations and these accumulating wrongs, or, opposing force to

force in defence of their national rights, shall commit a just cause into the hands of the Almighty Disposer of events, avoiding all connexions which might entangle it in the contests or views of other powers, and preserving a constant readiness to concur in an honorable re-establishment of peace and friendship, is a solemn question which the constitution wisely confides to the legislative department of the government. In recommending it to their early deliberations, I am happy in the assurance that the decision will be worthy the enlightened and patriotic councils of a virtuous, free, and a powerful nation.

Having presented this view of the relations of the United States with Great Britain, and of the solemn alternative growing out of them, I proceed to remark that the communications last made to Congress on the subject of our relations with France will have shown, that since the revocation of her decrees, as they violated the neutral rights of the United States, her government has authorized illegal captures by its privateers and public ships, and that other outrages have been practised on our vessels and our citizens. It will have been seen, also, that no indemnity had been provided, or satisfactorily pledged, for the extensive spoliations committed under the violent and retrospective orders of the French government against the property of our citizens seized within the jurisdiction of France. I abstain, at this time, from recommending to the consideration of Congress definitive measures with respect to that nation, in the expectation that the result of unclosed discussions between our minister plenipotentiary at Paris and the French government will speedily enable Congress to decide with greater advantage on the course due to the rights, the interests, and the honor of our country.

FOURTH ANNUAL MESSAGE.

NOVEMBER 4, 1812.

Fellow-Citizens of the Senate and House of Representatives:—

ON our present meeting it is my first duty to invite your attention to the providential favors which our country has experienced in the unusual degree of health dispensed to its inhabitants, and in the rich abundance with which the earth has rewarded the labors bestowed on it. In the successful cultivation of other branches of industry, and in the progress of general improvement favorable to the national prosperity, there is just occasion also for our mutual congratulations and thankfulness.

With these blessings are necessarily mingled the pressures and vicissitudes incident to the state of war into which the United States have been forced by the perseverance of a foreign power in its system of injustice and aggression.

Previous to its declaration, it was deemed proper, as a measure of precaution and forecast, that a considerable force should be placed in the Michigan territory with a general view to its security, and, in the event of war, to such operations in the uppermost Canada as would intercept the hostile influence of Great Britain over the savages, obtain the command of the lake on which that part of Canada borders, and maintain co-operating relations with such forces as might be most conveniently employed against

other parts. Brigadier-General Hull was charged with this provisional service, having under his command a body of troops composed of regulars and volunteers from the state of Ohio. Having reached his destination after his knowledge of the war, and possessing discretionary authority to act offensively, he passed into the neighboring territory of the enemy with the prospect of easy and victorious progress. The expedition, nevertheless, terminated unfortunately, not only in a retreat to the town and fort of Detroit, but in the surrender of both, and of the gallant corps commanded by that officer. The causes of this painful reverse will be investigated by a military tribunal.

A distinguishing feature in the operations which preceded and followed this adverse event, is the use made by the enemy of the merciless savages under their influence. While the benevolent policy of the United States invariably recommended peace and promoted civilization among that wretched portion of the human race, and was making exertions to dissuade them from taking either side in the war, the enemy had not scrupled to call to his aid their ruthless ferocity, armed with the horrors of those instruments of carnage and torture which are known to spare neither age nor sex. In this outrage against the laws of honorable war, and against the feelings sacred to humanity, the British commanders can not resort to a plea of retaliation, for it is committed in the face of our example. They can not mitigate it by calling it a self-defence against men in arms, for it embraces the most shocking butcheries of defenceless families. Nor can it be pretended that they are not answerable for the atrocities perpetrated, since the savages are employed with a knowledge, and even with menaces, that their fury could not be controlled. Such is the spectacle which the deputed authorities of a nation boasting its religion and morality have not been restrained from presenting to an enlightened age.

The misfortune at Detroit was not, however, without a consoling effect. It was followed by signal proof that the national spirit rises according to the pressure on it. The loss of an important post, and the brave men surrendered with it, inspired everywhere new ardor and determination. In the states and districts least remote, it was no sooner known, than every citizen was ready to fly with his arms at once to protect his brethren against the blood-thirsty savages let loose by the enemy on an extensive frontier, and to convert a partial calamity into a source of invigorated efforts. This patriotic zeal, which it was necessary rather to limit than excite, has embodied an ample force from the states of Kentucky and Ohio, and from parts of Pennsylvania and Virginia. It is placed, with the addition of a few regulars, under the command of Brigadier-General Harrison, who possesses the entire confidence of his fellow-soldiers, among whom are citizens, some of them volunteers in the ranks, not less distinguished by their political stations than by their personal merits. The greater portion of this force is proceeding on its destination toward the Michigan territory, having succeeded in relieving an important frontier post, and in several incidental operations against hostile tribes of savages, rendered indispensable by the subserviency into which they had been seduced by the enemy—a seduction the more cruel as it could not fail to impose a necessity of precautionary severities against those who yielded to it.

At a recent date, an attack was made on a post of the enemy near Niagara, by a detachment of the regular and other forces under the com-

mand of Major-General Van Rensselaer, of the militia of the state of New York. The attack, it appears, was ordered in compliance with the ardor of the troops, who executed it with distinguished gallantry and were for a time victorious; but not receiving the expected support, they were compelled to yield to reinforcements of British regulars and savages. Our loss has been considerable and is to be deeply lamented. That of the enemy, less ascertained, will be the more felt, as it includes among the killed the commanding general, who was also the governor of the province, and was sustained by veteran troops from unexperienced soldiers who must daily improve in the duties of the field.

Our expectation of gaining the command of the lakes by the invasion of Canada from Detroit having been disappointed, measures were instantly taken to provide on them a naval force superior to that of the enemy. From the talents and activity of the officer charged with this object, everything that can be done may be expected. Should the present season not admit of complete success, the progress made will insure for the next a naval ascendency where it is essential to our permanent peace with, and control over, the savages.

Among the incidents to the measures of the war, I am constrained to advert to the refusal of the governors of Massachusetts and Connecticut to furnish the required detachments of militia toward the defence of the maritime frontier. The refusal was founded on a novel and unfortunate exposition of the provisions of the constitution relating to the militia. The correspondences which will be laid before you contain the requisite information on the subject. It is obvious that if the authority of the United States to call into service and command the militia for the public defence can be thus frustrated, even in a state of declared war, and of course under apprehensions of invasion preceding war, they are not one nation for the purpose most of all requiring it, and that the public safety may have no other resource than in those large and permanent military establishments which are forbidden by the principles of our free government, and against the necessity of which the militia were meant to be a constitutional bulwark.

On the coasts and on the ocean the war had been as successful as circumstances inseparable from its early stages could promise. Our public ships and private cruisers, by their activity, and, where there was occasion, by their intrepidity, have made the enemy sensible of the difference between a reciprocity of captures and the long confinement of them to their side. Our trade, with little exception, has safely reached our ports, having been much favored in it by the course pursued by a squadron of our frigates under the command of Commodore Rodgers. And in the instance in which skill and bravery were more particularly tried with those of the enemy, the American flag had an auspicious triumph. The frigate Constitution, commanded by Captain Hull, after a close and short engagement, completely disabled and captured a British frigate, gaining for that officer and all on board a praise which can not be too liberally bestowed, not merely for the victory actually achieved, but for that prompt and cool exertion of commanding talents which, giving to courage its character, and to the force applied its full effect, proved that more could have been done in a contest requiring more.

Anxious to abridge the evils from which a state of war can not be exempt, I lost no time after it was declared in conveying to the British government the terms on which its progress might be arrested, without

awaiting the delays of a formal and final pacification; and our chargé d'affaires at London was at the same time authorized to agree to an armistice founded upon them. These terms required that the orders in council should be repealed as they affected the United States, without a revival of blockades violating acknowledged rules, and that there should be an immediate discharge of American seamen from British ships, and a stop to impressment from American ships, with an understanding that an exclusion of the seamen of each nation from the ships of the other should be stipulated; and that the armistice should be improved into a definitive and comprehensive adjustment of depending controversies. Although a repeal of the orders susceptible of explanations meeting the views of this government had taken place before this pacific advance was communicated to that of Great Britain, the advance was declined, from an avowed repugnance to a suspension of the practice of impressments during the armistice, and without any intimation that the arrangement proposed with respect to seamen would be accepted. Whether the subsequent communications from this government, affording an occasion for reconsidering the subject on the part of Great Britain, will be viewed in a more favorable light or received in a more accommodating spirit, remains to be known. It would be unwise to relax our measures, in any respect, on a presumption of such a result.

The documents from the department of state, which relate to this subject, will give a view also of the propositions for an armistice which have been received here, one of them from the authorities at Halifax and in Canada, the other from the British government itself through Admiral Warren, and of the grounds on which neither of them could be accepted.

Our affairs with France retain the posture which they held at my last communications to you. Notwithstanding the authorized expectations of an early as well as favorable issue to the discussions on foot, these have been procrastinated to the latest date. The only intervening occurrence meriting attention is the promulgation of a French decree purporting to be a definitive repeal of the Berlin and Milan decrees. This proceeding, although made the ground of the repeal of the British orders in council, is rendered by the time and manner of it liable to many objections.

The final communications from our special minister to Denmark afford further proofs of the good effects of his mission, and of the amicable disposition of the Danish government. From Russia we have the satisfaction to receive assurances of continued friendship, and that it will not be affected by the rupture between the United States and Great Britain. Sweden also professes sentiments favorable to the subsisting harmony.

With the Barbary powers, excepting that of Algiers, our affairs remain on the ordinary footing. The consul-general residing with that regency has suddenly and without cause been banished, together with all the American citizens found there. Whether this was the transitory effect of capricious despotism or the first act of pre-determined hostility is not ascertained. Precautions were taken by the consul on the latter supposition.

The Indian tribes not under foreign instigations remain at peace, and receive the civilizing attentions which have proved so beneficial to them.

With a view to that vigorous prosecution of the war to which our national faculties are adequate, the attention of Congress will be particularly drawn to the insufficiency of existing provisions for filling up the military establishment. Such is the happy condition of our country, arising from

the facility of subsistence and the high wages for every species of occupation, that notwithstanding the augmented inducements provided at the last session, a partial success only has attended the recruiting service. The deficiency has been necessarily supplied during the campaign by other than regular troops, with all the inconveniences and expense incident to them. The remedy lies in establishing more favorably for the private soldier the proportion between his recompense and the term of his enlistment, and it is a subject which can not too soon or too seriously be taken into consideration.

The same insufficiency has been experienced in the provisions for volunteers made by an act of the last session. The recompense for the service required in this case is still less attractive than in the other; and although patriotism alone has sent into the field some valuable corps of that description, those alone who can afford the sacrifice can be reasonably expected to yield to that impulse.

It will merit consideration, also, whether, as auxiliary to the security of our frontiers, corps may not be advantageously organized, with a restriction of their services to particular districts convenient to them; and whether the local and occasional services of mariners and others in the seaport towns, under a similar organization, would not be a provident addition to the means of their defence.

I recommend a provision for an increase of the general officers of the army, the deficiency of which has been illustrated by the number and distance of separate commands, which the course of the war and the advantage of the service have required.

And I can not press too strongly on the earliest attention of the legislature the importance of the re-organization of the staff establishment, with a view to render more distinct and definite the relations and responsibilities of its several departments. That there is room for improvements which will materially promote both economy and success in what appertains to the army and the war, is equally inculcated by the examples of other countries and by the experience of our own.

A revision of the militia laws, for the purpose of rendering them more systematic and better adapting them to emergencies of the war, is at this time particularly desirable.

Of the additional ships authorized to be fitted for service, two will be shortly ready to sail, a third is under repair, and delay will be avoided in the repair of the residue. Of the appropriations for the purchase of materials for ship-building the greater part has been applied to that object, and the purchase will be continued with the balance.

The enterprising spirit which has characterized our naval force and its success, both in restraining insults and depredations on our coasts and in reprisals on the enemy, will not fail to recommend an enlargement of it.

There being reason to believe that the act prohibiting the acceptance of British licenses is not a sufficient guard against the use of them, for purposes favorable to the interests and views of the enemy, further provisions on that subject are highly important. Nor is it less so, that penal enactments should be provided for cases of corrupt and perfidious intercourse with the enemy, not amounting to treason nor yet embraced by any statutory provisions.

A considerable number of American vessels which were in England when the revocation of the orders in council took place, were laden with British manufactures under an erroneous impression that the non-importa-

tion act would immediately cease to operate, and have arrived in the United States. It did not appear proper to exercise, on unforeseen cases of such magnitude, the ordinary powers vested in the treasury department to mitigate forfeitures, without previously affording to Congress an opportunity of making on the subject such provisions as they may think proper. In their decision they will doubtless equally consult what is due to equitable considerations and to the public interest.

The receipts into the treasury during the year ending on the 30th of September last, have exceeded sixteen millions and a half of dollars, which have been sufficient to defray all the demands on the treasury to that day, including a necessary reimbursement of near three millions of the principal of the public debt. In these receipts is included a sum of near five millions eight hundred and fifty thousand dollars, received on account of the loans authorized by the acts of the last session; the whole sum actually obtained on loans amounts to eleven millions of dollars, the residue of which, being receivable subsequent to the 30th of September last, will, together with the current revenue, enable us to defray all the expenses of this year.

The duties on the late unexpected importations of British manufactures will render the revenue of the ensuing year more productive than could have been anticipated.

The situation of our country, fellow-citizens, is not without its difficulties, though it abounds in animating considerations, of which the view here presented of our pecuniary resources is an example. With more than one nation we have serious and unsettled controversies; and with one, powerful in the means and habits of war, we are at war. The spirit and strength of the nation are nevertheless equal to the support of all its rights, and to carry it through all its trials. They can be met in that confidence. Above all, we have the inestimable consolation of knowing that the war in which we are actually engaged is a war neither of ambition nor of vain glory; that it is waged, not in violation of the rights of others but in the maintenance of our own; that it was preceded by a patience without example, under wrongs accumulating without end; and that it was finally not declared until every hope of averting it was extinguished by the transfer of the British sceptre into new hands clinging to former councils, and until declarations were reiterated to the last hour, through the British envoy here, that the hostile edicts against our commercial rights and our maritime independence would not be revoked; nay, that they could not be revoked without violating the obligations of Great Britain to other powers, as well as to her own interest. To have shrunk under such circumstances from manly resistance, would have been a degradation blasting our best and proudest hopes; it would have struck us from the high rank where the virtuous struggles of our fathers had placed us, and have betrayed the magnificent legacy which we hold in trust for future generations. It would have acknowledged, that on the element which forms three fourths of the globe we inhabit, and where all independent nations have equal and common rights, the American people were not an independent people, but colonists and vassals. It was at this moment and with such an alternative that war was chosen. The nation felt the necessity of it, and called for it. The appeal was accordingly made, in a just cause, to the just and all-powerful Being who holds in his hand the chain of events and the destiny of nations. It remains only, that faithful to ourselves, entangled in no connexions with the views of other powers, and

ever ready to accept peace from the hand of justice, we prosecute the war with united counsels and with the ample faculties of the nation, until peace be so obtained, and as the only means, under the divine blessing, of speedily obtaining it.

SPECIAL MESSAGE

NOVEMBER 6, 1812.

To the Senate and House of Representatives of the United States:—

THE bill, entitled, "An act supplementary to the acts heretofore passed on the subject of a uniform rule of naturalization," which passed the two houses at the last session of Congress, having appeared to me liable to abuse by aliens having no real purpose of effectuating a naturalization, and therefore not been signed; and having been presented at an hour too near the close of the session to be returned with objections for reconsideration, the bill failed to become a law. I recommend that provisions be now made in favor of aliens entitled to the contemplated benefit, under such regulations as will prevent advantage being taken of it for improper purposes.

SPECIAL MESSAGE.

DECEMBER 12, 1812.

To the Senate and House of Representatives of the United States:—

I TRANSMIT to Congress copies of a letter to the secretary of the navy from Captain Decatur of the frigate United States, reporting his combat and capture of the British frigate Macedonian. Too much praise can not be bestowed on that officer and his companions on board, for the consummate skill and conspicuous valor by which this trophy has been added to the naval arms of the United States.

I transmit also a letter from Captain Jones, who commanded the sloop-of-war Wasp, reporting his capture of the British sloop-of-war Frolic, after a close action, in which other brilliant titles will be seen to the public admiration and praise.

A nation, feeling what it owes to itself and to its citizens, could never abandon to arbitrary violence on the ocean a class of them which give such examples of capacity and courage in defending their rights on that element; examples which ought to impress on the enemy, however brave and powerful, preference of justice and peace to hostility against a country whose prosperous career may be accelerated but can not be prevented by the assaults made on it.

SPECIAL MESSAGE

FEBRUARY 22, 1813.

To the Senate and House of Representatives of the United States:—

I LAY before Congress a letter, with accompanying documents, from Captain Bainbridge, now commanding the United States frigate the Constitution, reporting his capture and destruction of the British frigate the Java. The circumstances and the issue of this combat afford another example of the professional skill and heroic spirit which prevail in our naval service. The signal display of both by Captain Bainbridge, his officers, and crew, command the highest praise.

This being a second instance in which the condition of the captured ship, by rendering it impossible to get her into port, has barred a contemplated reward of successful valor, I recommend to the consideration of Congress the equity and propriety of a general provision, allowing in such cases, both past and future, a fair proportion of the value which would accrue to the captors on the safe arrival and sale of the prize.

SPECIAL MESSAGE.

FEBRUARY 24, 1813.

To the Senate and House of Representatives of the United States:—

I LAY before Congress copies of a proclamation of the British lieutenant-governor of the island of Bermuda, which has appeared under circumstances leaving no doubt of its authenticity. It recites a British order in council of the 26th of October last, providing for the supply of the British West Indies and other colonial possessions, by a trade under special licenses; and is accompanied by a circular instruction to the colonial governors, which confines licensed importations from ports of the United States to the ports of the eastern states exclusively.

The government of Great Britain has already introduced into her commerce during war, a system which, at once violating the rights of other nations and resting on a mass of perjury and forgery unknown to other times, was making an unfortunate progress in undermining those principles of morality and religion which are the best foundation of national happiness.

The policy now proclaimed to the world introduces into her modes of warfare a system equally distinguished by the deformity of its features and the depravity of its character; having for its object to dissolve the ties of allegiance and the sentiments of loyalty in the adversary nation, and to seduce and separate its component parts the one from the other.

The general tendency of these demoralizing and disorganizing contrivances will be reprobated by the civilized and Christian world, and the insulting attempt on the virtue, the honor, the patriotism, and the fidelity of our brethren of the eastern states, will not fail to call forth all their indignation and resentment, and to attach more and more all the states to that happy union and constitution against which such insidious and malignant artifices are directed.

The better to guard, nevertheless, against the effect of individual cupidity and treachery, and to turn the corrupt projects of the enemy against himself, I recommend to the consideration of Congress the expediency of an effectual prohibition of any trade whatever by citizens or inhabitants of the United States under special licenses, whether relating to persons or ports, and in aid thereof a prohibition of all exportations from the United States in foreign bottoms, few of which are actually employed, while multiplying counterfeits of their flags and papers are covering and encouraging the navigation of the enemy.

SECOND INAUGURAL ADDRESS.

MARCH 4, 1813.

ABOUT to add the solemnity of an oath to the obligations imposed by a second call to the station in which my country has heretofore placed me, I find, in the presence of this assembly, an opportunity of publicly repeating my profound sense of so distinguished a confidence, and of the responsibility united with it. The impressions on me are strengthened by such an evidence, that my faithful endeavors to discharge my arduous duties have been favorably estimated; and by a consideration of the momentous period at which the trust has been renewed. From the weight and magnitude now belonging to it, I should be compelled to shrink, if I had less reliance on the support of an enlightened and generous people, and felt less deeply a conviction, that the war which forms so prominent a feature in our situation, is stamped with that justice which invites the smiles of Heaven on the means of conducting it to a successful termination.

May we not cherish this sentiment without presumption, when we reflect on the characteristics by which this war is distinguished?

It was not declared on the part of the United States until it had been long made on them, in reality, though not in name; until arguments and expostulations had been exhausted; until a positive declaration had been received that the wrongs provoking it would not be discontinued; nor until this appeal could no longer be delayed, without breaking down the spirit of the nation, destroying all confidence in itself and its political institutions; and either perpetuating a state of disgraceful suffering, or regaining by more costly sacrifices, and more severe struggles, our lost rank and respect among independent powers.

On the issue of the war are staked our national sovereignty on the high seas, and security of an important class of citizens, whose occupations give the proper value to those of every other class. Not to contend for such a stake, is to surrender our equality with other powers, on the element common to all; and to violate the sacred title which every member of the society has to its protection, I need not call into view the unlawfulness of the practice, by which our mariners are forced, at the will of every cruising officer, from their own vessels into foreign ones, nor paint the outrages inseparable from it. The proofs are in the records of each successive administration of our government; and the cruel sufferings of that portion of the American people have found their way to every man's bosom not dead to the sympathies of human nature.

As the war was just in its origin, and necessary and noble in its objects, we can reflect with a proud satisfaction, that in carrying it on, no principle of justice or honor, no usage of civilized nations, no precept of courtesy

or humanity, have been infringed. The war has been waged on our part, with scrupulous regard to all these relations, and in a spirit of liberality which was never surpassed.

How little has been the effect of this example on the conduct of the enemy!

They have retained as prisoners-of-war, citizens of the United States not liable to be so considered under the usages of war.

They have refused to consider as prisoners-of-war, and threatened to punish as traitors and deserters, persons emigrating without restraint to the United States; incorporated by naturalization into our political family, and fighting under the authority of their adopted country, in open and honorable war, for the maintenance of its rights and safety. Such is the avowed purpose of a government, which is in the practice of naturalizing, by thousands, citizens of other countries, and not only of permitting, but compelling them to fight its battles against their native country.

They have not, it is true, taken into their own hands the hatchet and the knife, devoted to indiscriminate massacre, but they have let loose the savage, armed with these cruel instruments; have allured them into their service, and carried them to battle by their sides, eager to glut their savage thirst with the blood of the vanquished, and to finish the work of torture and death on maimed and defenceless captives. And what was never before seen, British commanders have extorted victory over the unconquerable valor of our troops, by presenting to the sympathy of their chief, captives awaiting massacre from their savage associates. And now we find them, in further contempt of the honorable modes of warfare, supplying the place of a conquering force by attempts to disorganize our political society, to dismember our confederated republic. Happily, like others, these will recoil on the authors; but they mark the degenerate councils from which they emanate, and if they did not belong to a series of unexampled inconsistencies, might excite the greater wonder, as proceeding from a government which founded the very war in which it has been so long engaged, against the disorganizing and insurrectional policy of its adversary.

To render the justice of the war on our part the more conspicuous, the reluctance to commence it was followed by the earliest and strongest manifestations of a disposition to arrest its progress. The sword was scarcely out of the scabbard before the enemy was apprized of the reasonable terms on which it should be resheathed. Still more precise advances were repeated, and have been received in a spirit forbidding every reliance not placed on the military resources of the nation.

These resources are amply sufficient to bring the war to an honorable issue. Our nation is, in number, more than half that of the British isles. It is composed of a brave, a free, a virtuous, and an independent people. Our country abounds in the necessaries, the arts, and the comforts of life. A general prosperity is visible in the public countenance. The means employed by the British cabinet to undermine it, have recoiled on themselves; have given to our national faculties a rapid development; and draining or diverting the precious metals from British circulation and British vaults, have poured them into those of the United States. It is a propitious consideration, that an unavoidable war should have found this seasonable facility for the contributions required to support it. When the public voice called for war, all knew, and still know, that without them it could not be carried on, through the period it might last; and the patriotism, the good sense, and the manly spirit of our fellow-citizens, are

pledges for the cheerfulness with which they will bear each his share of the common burden. To render the war short, and its success sure, animated and systematic exertions alone are necessary; and the success of our arms now may long preserve our country from the necessity of another resort to them. Already have the gallant exploits of our naval heroes proved to the world our inherent capacity to maintain our rights on one element. If the reputation of our arms has been thrown under clouds on the other presaging flashes of heroic enterprise assure us that nothing is wanting to correspondent triumphs there also, but the discipline and habits which are in daily progress.

SPECIAL SESSION.—MESSAGE.

MAY 25, 1813.

Fellow-Citizens of the Senate and House of Representatives:—

AT an early day after the close of the last session of Congress, an offer was formally communicated from his imperial majesty the emperor of Russia, of his mediation, as the common friend of the United States and Great Britain, for the purpose of facilitating a peace between them. The high character of the emperor Alexander being a satisfactory pledge for the sincerity and impartiality of his offer, it was immediately accepted; and as a further proof of the disposition on the part of the United States to meet their adversary in honorable experiments for terminating the war it was determined to avoid intermediate delays, incident to the distance of the parties, by a definitive provision for the contemplated negotiation. Three of our eminent citizens were accordingly commissioned, with the requisite powers to conclude a treaty of peace with persons clothed with like powers on the part of Great Britain. They are authorized also to enter into such conventional regulations of the commerce between the two countries as may be mutually advantageous. The two envoys who were in the United States at the time of their appointment have proceeded to join their colleague already at St. Petersburgh.

The envoys have received another commission, authorizing them to conclude with Russia a treaty of commerce, with a view to strengthen the amicable relations and improve the beneficial intercourse between the two countries.

The issue of this friendly interposition of the Russian emperor, and this pacific manifestation on the part of the United States, time only can decide. That the sentiments of Great Britain toward that sovereign will have produced an acceptance of his offered mediation must be presumed. That no adequate motives exist to prefer a continuance of war with the United States to the terms on which they are willing to close it, is certain. The British cabinet also must be sensible, that, with respect to the important question of impressment on which the war so essentially turns, a search for or seizure of British persons or property on board neutral vessels, on the high seas, is not a belligerent right derived from the law of nations; and it is obvious that no visit or search, or use of force for any purpose, on board the vessels of one independent power on the high seas, can in war or peace be sanctioned by the laws or authority of another power. It is equally obvious, that for the purpose of preserving to each state its seafaring members, by excluding them from the vessels of the other,

the mode heretofore proposed by the United States and now exacted by them as an article of municipal policy, can not for a moment be compared with the mode practised by Great Britain without a conviction of its title to preference, inasmuch as the latter leaves the discrimination between the mariners of the two nations to officers exposed by unavoidable bias as well as by a defect of evidence to a wrong decision, under circumstances precluding, for the most part, the enforcement of controlling penalties, and where a wrong decision, besides the irreparable violation of the sacred rights of persons, might frustrate the plans and profits of entire voyages; whereas the mode assumed by the United States guards, with studied fairness and efficacy, against errors in such cases, and avoids the effect of casual errors on the safety of navigation and the success of mercantile expeditions.

If the reasonableness of expectations drawn from these considerations could guaranty their fulfilment, a just peace would not be distant. But it becomes the wisdom of the national legislature to keep in mind the true policy, or rather the indispensable obligation, of adapting its measures to the supposition that the only course to that happy event is in the vigorous employment of the resources of war. And painful as the reflection is, this duty is particularly enforced by the spirit and manner in which the war continues to be waged by the enemy, who, uninfluenced by the unvaried examples of humanity set them, are adding to the savage fury of it on one frontier a system of plunder and conflagration on the other, equally forbidden by respect for national character and by the established rules of civilized warfare.

As an encouragement to perseverance and invigorated exertions to bring the contest to a happy result, I have the satisfaction of being able to appeal to the auspicious progress of our arms both by land and on the water.

In continuation of the brilliant achievements of our infant navy, a signal triumph has been gained by Captain Lawrence and his companions in the Hornet sloop-of-war, which destroyed a British sloop-of-war with a celerity so unexampled, and with a slaughter of the enemy so disproportionate to the loss in the Hornet, as to claim for the conquerors the highest praise, and the full recompense provided by Congress in the preceding cases. Our public ships-of-war in general, as well as the private armed vessels, have continued also their activity and success against the commerce of the enemy, and by their vigilance and address have greatly frustrated the efforts of the hostile squadrons distributed along our coasts to intercept them in returning into port and resuming their cruises.

The augmentation of our naval force, as authorized at the last session of Congress, is in progress. On the lakes our superiority is near at hand where it is not already established.

The events of the campaign, so far as they are known to us, furnish matter of congratulation, and show that under a wise organization and efficient direction the army is destined to a glory not less brilliant than that which already encircles the navy. The attack and capture of York is in that quarter a presage of future and greater victories, while on the western frontier, the issue of the late siege of Fort Meigs leaves us nothing to regret but a single act of inconsiderate valor.

The provisions last made for filling the ranks and enlarging the staff of the army have had the best effects. It will be for the consideration of Congress, whether other provision, depending on their authority, may not still further improve the military establishment and the means of defence.

The sudden death of the distinguished citizen who represented the United States in France, without any special arrangement by him for such a contingency, has left us without the expected sequel to his last communications; nor has the French government taken any measures for bringing the depending negotiations to a conclusion through its representative in the United States. This failure adds to delays before so unreasonably spun out. A successor to our deceased minister has been appointed and is ready to proceed on his mission. The course which he will pursue in fulfilling it is that prescribed by a steady regard to the true interests of the United States, which equally avoids an abandonment of their just demands and a connexion of their fortunes with the systems of other powers.

The receipts in the treasury, from the 1st of October to the 31st day of March last, including the sums received on account of treasury-notes, and of the loans authorized by the acts of the last and the preceding session of Congress, have amounted to fifteen millions four hundred and twelve thousand dollars. The expenditures during the same period amounted to fifteen millions nine hundred and twenty thousand dollars, and left in the treasury, on the first of April, the sum of one million eight hundred and fifty-seven thousand dollars. The loan of sixteen millions of dollars, authorized by the act of the 8th of February last, has been contracted for. Of that sum more than a million of dollars has been paid into the treasury prior to the 1st of April, and formed a part of the receipts as above stated. The remainder of that loan, amounting to near fifteen millions of dollars, with the sum of five millions of dollars authorized to be issued in treasury-notes, and the estimated receipts from the customs and the sales of public lands, amounting to nine millions three hundred thousand dollars, and making, in the whole, twenty-nine millions three hundred thousand dollars to be received during the last nine months of the present year, will be necessary to meet the expenditures already authorized and the engagements contracted in relation to public debt. These engagements amount during that period to ten millions five hundred thousand dollars, which, with near one million for the civil, miscellaneous, and diplomatic expenses, both foreign and domestic, and seventeen millions eight hundred thousand dollars for the military and naval expenditures, including the ships-of-war building and to be built, will leave a sum in the treasury at the end of the present year equal to that on the first of April last. A part of this sum may be considered as a resource for defraying any extraordinary expenses already authorized by law beyond the sums above estimated, and a further resource for any emergency may be found in the sum of one million of dollars, the loan of which to the United States has been authorized by the state of Pennsylvania, but which has not yet been brought into effect.

This view of our finances, while it shows that due provision has been made for the expenses of the current year, shows at the same time, by the limited amount of the actual revenue and the dependence on loans, the necessity of providing more adequately for the future supplies of the treasury. This can be best done by a well-digested system of internal revenue, in aid of existing sources, which will have the effect, both of abridging the amount of necessary loans, and on that account, as well as by placing the public credit on a more satisfactory basis, of improving the terms on which loans may be obtained. The loan of sixteen millions was not contracted for at a less interest than about seven and a half per cent., and, although other causes may have had an agency, it can not be doubted that with the

advantage of a more extended and less precarious revenue, a lower rate of interest might have sufficed. A longer postponement of this advantage could not fail to have a still greater influence on future loans.

In recommending to the national legislature this resort to additional taxes, I feel great satisfaction in the assurance that our constituents, who have already displayed so much zeal and firmness in the cause of their country, will cheerfully give any other proof of their patriotism which it calls for. Happily no people, with local and transitory exceptions never to be wholly avoided, are more able than the people of the United States to spare for the public wants a portion of their private means, whether regard be had to the ordinary profits of industry or the ordinary price of subsistence in our country compared with those in any other. And in no case could stronger reasons be felt for yielding the requisite contributions. By rendering the public resources certain, and commensurate to the public exigences, the constituted authorities will be able to prosecute the war the more rapidly to our proper issue; every hostile hope founded on a calculated failure of its resources will be cut off, and by adding to the evidence of bravery and skill on combats on the ocean and the land, and alacrity in supplying the treasure necessary to give them their fullest effects, and demonstrating to the world the public energy which our political institutions combine, with the personal liberty distinguishing them, the best security will be provided against future enterprises on the rights of the peace of the nation.

The contest in which the United States are engaged appeals for its support to every motive that can animate an uncorrupted and enlightened people: to the love of country; to the pride of liberty; to an emulation of the glorious founders of their independence by a successful vindication of its violated attributes; to the gratitude and sympathy which demand security from the most degraded wrongs of a class of citizens who have proved themselves so worthy the protection of their country by their heroic zeal in its defence; and finally, to the sacred obligation of transmitting entire to future generations that precious patrimony of national rights and independence which is held in trust by the present, from the goodness of Divine Providence.

Being aware of the inconveniences to which a protracted session at this season would be liable, I limit the present communication to objects of primary importance. In special messages which may ensue, regard will be had to the same consideration.

CONFIDENTIAL MESSAGE.

JULY 20, 1813.

To the Senate and House of Representatives of the United States:—

THERE being sufficient reason to infer that it is the purpose of the enemy to combine with the blockade of our ports special licenses to neutral vessels or to British vessels in neutral disguises, whereby they may draw from our country the precise kind and quantity of exports essential to their wants, while its general commerce remains obstructed, keeping in view also the insidious discrimination between the different ports of the United States; and as such a system, if not counteracted, will have

the effect of diminishing very materially the pressure of the war on the enemy, and encouraging a perseverance in it, at the same time that it will leave the general commerce of the United States under all the pressure the enemy can impose, thus subjecting the whole to British regulation in subserviency to British monopoly, I recommend to the consideration of Congress the expediency of an immediate and effectual prohibition of exports limited to a convenient day in their next session, and removable in the meantime, in the event of a cessation of the blockade of our ports.

FIFTH ANNUAL MESSAGE

DECEMBER 7, 1813.

Fellow-Citizens of the Senate and House of Representatives:—

IN meeting you at the present interesting conjuncture, it would have been highly satisfactory if I could have communicated a favorable result to the mission charged with negotiations for restoring peace. It was a just expectation, from the respect due to the distinguished sovereign who had invited them by his offer of mediation, from the readiness with which the invitation was accepted on the part of the United States, and from the pledge to be found in an act of their legislature for the liberality which their plenipotentiaries would carry into the negotiations, that no time would be lost by the British government in embracing the experiment for hastening a stop to the effusion of blood. A prompt and cordial acceptance of the mediation on that side was the less to be doubted, as it was of a nature not to submit rights or pretensions on either side to the decision of an umpire, but to afford merely an opportunity, honorable and desirable to both for discussing, and if possible adjusting them for the interest of both.

The British cabinet, either mistaking our desire of peace for a dread of British power, or misled by other fallacious calculations, has disappointed this reasonable anticipation. No communications from our envoys having reached us, no information on the subject has been received from that source. But it is known that the mediation was declined in the first instance, and there is no evidence, notwithstanding the lapse of time, that a change of disposition in the British councils has taken place or is to be expected.

Under such circumstances, a nation proud of its rights and conscious of its strength has no choice but an exertion of the one in support of the other.

To this determination the best encouragement is derived from the success with which it has pleased the Almighty to bless our arms both on the land and on the water.

While proofs have been continued of the enterprise and skill of our cruisers, public and private, on the ocean, and a new trophy gained in the capture of a British by an American vessel-of-war, after an action giving celebrity to the name of the victorious commander, the great inland waters on which the enemy were also to be encountered have presented achievements of our naval arms as brilliant in their character as they have been important in their consequences.

On Lake Erie, the squadron under the command of Captain Perry having met the British squadron of a superior force, a sanguinary conflict

ended in the capture of the whole. The conduct of that officer, adroit as it was daring, and which was so well seconded by his comrades, justly entitles them to the admiration and gratitude of their country, and will fill an early page in its naval annals, with a victory never surpassed in lustre, however much it may have been in magnitude.

On Lake Ontario, the caution of the British commander, favored by contingencies, frustrated the efforts of the American commander to bring on a decisive action. Captain Chauncey was able, however, to establish an ascendency on that important theatre, and to prove by the manner in which he effected everything possible that opportunities only were wanted for a more shining display of his own talents and the gallantry of those under his command.

The success on Lake Erie having opened a passage to the territory of the enemy, the officer commanding the northwestern army transferred the war thither, and rapidly pursuing the hostile troops, fleeing with their savage associates, forced a general action which quickly terminated in the capture of the British and dispersion of the savage force.

This result is signally honorable to Major-General Harrison, by whose military talents it was prepared; to Colonel Johnson and his mounted volunteers, whose impetuous onset gave a decisive blow to the ranks of the enemy; and to the spirit of the volunteer militia equally brave and patriotic, who bore an interesting part in the scene; more especially to the chief magistrate of Kentucky at the head of them, whose heroism signalized in the war which established the independence of his country, sought at an advanced age a share in hardships and battles for maintaining its rights and its safety.

The effect of these successes has been to rescue the inhabitants of Michigan from their oppressions, aggravated by gross infractions of the capitulation which subjected them to a foreign power; to alienate the savages of numerous tribes from the enemy, by whom they were disappointed and abandoned; and to relieve an extensive region of country from a merciless warfare which desolated its frontiers and imposed on its citizens the most harassing services.

In consequence of our naval superiority on Lake Ontario, and the opportunity afforded by it for concentrating our forces by water, operations which had been provisionally planned were set on foot against the possessions of the enemy on the St. Lawrence. Such, however, was the delay produced in the first instance by adverse weather of unusual violence and continuance, and such the circumstances attending the final movement of the army, that the prospect at one time so favorable was not realized.

The cruelty of the enemy in enlisting the savages into a war with a nation desirous of mutual emulation in mitigating its calamities, has not been confined to any one quarter. Wherever they could be turned against us no exertions to effect it have been spared. On our southwestern border, the Creek tribes, who yielding to our persevering endeavors were gradually acquiring more civilized habits, became the unfortunate victims of seduction. A war in that quarter has been the consequence, infuriated by a bloody fanaticism recently propagated among them. It was necessary to crush such a war before it could spread among the contiguous tribes, and before it could favor enterprises of the enemy into that vicinity. With this view, a force was called into the service of the United States from the states of Georgia and Tennessee, which, with the nearest regular troops, and other corps from the Mississippi territory, might not only

chastise the savages into present peace but make a lasting impression on their fears.

The progress of the expedition, as far as is yet known, corresponds with the martial zeal with which it was espoused, and the best hopes of a satisfactory issue are authorized by the complete success with which a well-planned enterprise was executed against a body of hostile savages by a detachment of the volunteer militia of Tennessee, under the gallant command of General Coffee; and by a still more important victory over a large body of them, gained under the immediate command of Major-General Jackson, an officer equally distinguished for his patriotism and military talents.

The systematic perseverance of the enemy in courting the aid of the savages in all quarters, had the natural effect of kindling their ordinary propensity to war into a passion which, even among those best disposed toward the United States, was ready, if not employed on our side, to be turned against us. A departure from our protracted forbearance to accept the services tendered by them, has thus been forced upon us. But in yielding to it, the retaliation has been mitigated as much as possible both in its extent and in its character, stopping far short of the example of the enemy, who owe the advantages they have occasionally gained in battle chiefly to the number of their savage associates; and who have not controlled them either from their usual practice of indiscriminate massacre on defenceless inhabitants, or from scenes of carnage without a parallel, on prisoners to the British arms, guarded by all the laws of humanity and of honorable war. For these enormities the enemy are equally responsible, whether with the power to prevent them they want the will, or with the knowledge of a want of power they still avail themselves of such instruments.

In other respects the enemy are pursuing a course which threatens consequences most afflicting to humanity.

A standing law of Great Britain naturalizes, as is well known, all aliens complying with conditions limited to a shorter period than those required by the United States; and naturalized subjects are in war employed by her government in common with native subjects. In a contiguous British province, regulations promulgated since the commencement of the war compel citizens of the United States being there under certain circumstances to bear arms, while of the native emigrants from the United States who compose much of the population of the province, a number have actually borne arms against the United States within their limits, some of whom, after having done so, have become prisoners-of-war and are now in our possession. The British commander in that province, nevertheless, with the sanction as appears of his government, thought proper to select from American prisoners-of-war, and send to Great Britain for trial as criminals, a number of individuals who had emigrated from the British dominions long prior to the state of war between the two nations, who had incorporated themselves into our political society in the modes recognised by the law and practice of Great Britain, and who were made prisoners-of-war under the banners of their adopted country, fighting for its rights and its safety.

The protection due to these citizens requiring an effectual interposition in their behalf, a like number of British prisoners-of-war were put into confinement, with a notification that they would experience whatever violence might be committed on the American prisoners-of-war sent to Great Britain.

It was hoped that this necessary consequence of the step unadvisedly taken on the part of Great Britain would have led her government to reflect on the inconsistencies of its conduct, and that a sympathy with the British, if not with the American sufferers, would have arrested the cruel career opened by its example.

This was unhappily not the case. In violation both of consistency and of humanity, American officers and non-commissioned officers, in double the number of the British soldiers confined here, were ordered into close confinement, with formal notice that in the event of a retaliation for the death which might be inflicted on the prisoners-of-war sent to Great Britain for trial, the officers so confined would be put to death also. It was notified at the same time that the commanders of the British fleets and armies on our coasts are instructed, in the same event, to proceed with a destructive severity against our towns and their inhabitants.

That no doubt might be left with the enemy of our adherence to the retaliatory resort imposed on us, a corresponding number of British officers, prisoners-of-war in our hands, were immediately put into close confinement, to abide the fate of those confined by the enemy; and the British government has been apprized of the determination of this government to retaliate any other proceedings against us contrary to the legitimate modes of warfare.

It is as fortunate for the United States that they have it in their power to meet the enemy in this deplorable contest, as it is honorable to them that they do not join in it but under the most imperious obligations, and with the humane purpose of effectuating a return to the established usages of war.

The views of the French government on the subjects which have been so long committed to negotiation have received no elucidation since the close of your late session. The minister plenipotentiary of the United States at Paris had not been enabled by proper opportunities to press the object of his mission as prescribed by his instructions.

The militia being always to be regarded as the great bulwark of defence and security for free states, and the constitution having wisely committed to the national authority a use of that force, as the best provision against an unsafe military establishment, as well as a resource peculiarly adapted to a country having the extent and the exposure of the United States, I recommend to Congress a revision of the militia laws for the purpose of securing more effectually the services of all detachments called into the employment, and placed under the government of the United States.

It will deserve the consideration of Congress, also, whether among other improvements in the militia laws justice does not require a regulation, under due precautions, for defraying the expense incident to the first assembling as well as the subsequent movements of the detachments called into the national service.

To give our vessels-of-war, public and private, the requisite advantage in their cruises, it is of much importance that they should have, both for themselves and their prizes, the use of the ports and markets of friendly powers. With this view, I recommend to Congress the expediency of such legal provisions as may supply the defects or remove the doubts of the executive authority, to allow to the cruisers of other powers at war with the enemies of the United States such use of the American ports as may correspond with the privileges allowed by such powers to American cruisers.

During the year ending on the 30th of September last, the receipts into the treasury have exceeded thirty-seven millions and a half of dollars, of which near twenty-four millions were the produce of loans. After meeting all the demands for the public service, there remained in the treasury on that day near seven millions of dollars. Under the authority contained in the act of the 2d of August last, for borrowing seven millions and a half of dollars, that sum has been obtained on terms more favorable to the United States than those of the preceding loan made during the present year. Further sums, to a considerable amount will be necessary to be obtained in the same way during the ensuing year, and from the increased capital of the country, from the fidelity with which the public engagements have been kept, and the public credit maintained, it may be expected on good grounds that the necessary pecuniary supplies will not be wanting.

The expenses of the current year, from the multiplied operations falling within it, have necessarily been extensive. But, on a just estimate of the campaign in which the mass of them has been incurred, the cost will not be found disproportionate to the advantages which have been gained. The campaign has, indeed, in its latter stages in one quarter, been less favorable than was expected; but in addition to the importance of our naval success, the progress of the campaign has been filled with incidents highly honorable to the American arms.

The attacks of the enemy on Craney Island, on Fort Meigs, on Sackett's Harbor, and on Sandusky, have been vigorously and successfully repulsed; nor have they in any case succeeded on either frontier, except when directed against the peaceable dwellings of individuals or villages unprepared or undefended.

On the other hand, the movements of the American army have been followed by the reduction of York, and of Forts George, Erie, and Malden; by the recovery of Detroit and the extinction of the Indian war in the west; and by the occupancy or command of a large portion of Upper Canada. Battles have also been fought on the borders of the St. Lawrence, which, though not accomplishing their entire objects, reflect honor on the discipline and prowess of our soldiery, the best auguries of eventual victory. In the same scale are to be placed the late successes in the south, over one of the most powerful, which had become one of the most hostile also, of the Indian tribes.

It would be improper to close this communication without expressing a thankfulness in which all ought to unite, for the numerous blessings with which our beloved country continues to be favored; for the abundance which overspreads our land, and the prevailing health of its inhabitants; for the preservation of our internal tranquillity, and the stability of our free institutions; and above all, for the light of divine truth and the protection of every man's conscience in the enjoyment of it. And although among our blessings we can not number an exemption from the evils of war, yet these will never be regarded as the greatest of evils by the friends of liberty and of the rights of nations. Our country has before preferred them to the degraded condition which was the alternative when the sword was drawn in the cause which gave birth to our national independence; and none who contemplate the magnitude and feel the value of that glorious event will shrink from a struggle to maintain the high and happy ground on which it placed the American people.

With all good citizens the justice and necessity of resisting wrongs

and usurpations no longer to be borne will sufficiently outweigh the privations and sacrifices inseparable from a state of war. But it is a reflection, moreover, peculiarly consoling, that while wars are generally aggravated by their baneful effects on the internal improvements and permanent prosperity of the nations engaged in them, such is the favored situation of the United States, that the calamities of the contest into which they have been compelled to enter are mitigated by improvements and advantages of which the contest itself is the source.

If the war has increased the interruptions of our commerce, it has at the same time cherished and multiplied our manufactures so as to make us independent of all other countries for the more essential branches for which we ought to be dependent on none; and is even rapidly giving them an extent which will create additional staples in our future intercourse with foreign markets.

If much treasure has been expended, no inconsiderable portion of it has been applied to objects durable in their value and necessary to our permanent safety.

If the war has exposed us to increased spoliations on the ocean, and to predatory incursions on the land, it has developed the national means of retaliating the former, and of providing protection against the latter, demonstrating to all that every blow aimed at our maritime independence is an impulse accelerating the growth of our maritime power.

By diffusing through the mass of the nation the elements of military discipline and instruction; by augmenting and distributing warlike preparations applicable to future use; by evincing the zeal and valor with which they will be employed and the cheerfulness with which every necessary burden will be borne, a greater respect for our rights and a longer duration of our future peace are promised than could be expected without these proofs of the national character and resources.

The war has proved, moreover, that our free government, like other free governments, though slow in its early movements, acquires in its progress a force proportioned to its freedom, and that the union of these states, the guardian of the freedom and safety of all and of each, is strengthened by every occasion that puts it to the test.

In fine, the war, with all its vicissitudes, is illustrating the capacity and the destiny of the United States to be a great, a flourishing, and a powerful nation, worthy of the friendship which it is disposed to cultivate with all others, and authorized by its own example to require from all an observance of the laws of justice and reciprocity. Beyond these, their claims have never extended, and in contending for these we behold a subject for our congratulations in the daily testimonies of increasing harmony throughout the nation, and may humbly repose our trust in the smiles of Heaven on so righteous a cause.

CONFIDENTIAL MESSAGE.

DECEMBER 9, 1813.

To the Senate and House of Representatives of the United States:—

THE tendency of our commercial and navigation laws in their present state to favor the enemy and thereby prolong the war, is more and more

developed by experience. Supplies of the most essential kind find their way, not only to British ports and British armies at a distance, but the armies in our neighborhood, with which our own are contending, derive from our ports and outlets a subsistence attainable with difficulty, if at all, from other sources. Even the fleets and troops infesting our coasts and waters are by like supplies accommodated and encouraged in their predatory and incursive warfare.

Abuses having a like tendency take place in our import trade. British fabrics and products find their way into our ports under the name and from the ports of other countries, and often in British vessels disguised as neutrals by false colors and papers.

To these abuses, it may be added that illegal importations are openly made, with advantage to the violators of the law, produced by the undervaluations or other circumstances involved in the course of the judicial proceedings against them.

It is found, also, that the practice of ransoming is a cover for collusive captures, and a channel for intelligence advantageous to the enemy.

To remedy, as much as possible, these evils, I recommend—

That an effectual embargo on exports be immediately enacted.

That all articles known to be derived, either not at all or in an immaterial degree only, from the productions of any other country than Great Britain, and particularly the extensive articles made of wool and cotton materials, and ardent spirits made from the cane, be expressly and absolutely prohibited, from whatever port or place, or in whatever vessels the same may be brought into the United States; and that all violations of the non-importation act be subjected to adequate penalties.

That among the proofs of the neutral and national character of foreign vessels it be required that the masters and supercargoes, and three fourths at least of the crew, be citizens or subjects of the country under whose flag the vessels sail.

That all persons concerned in collusive captures by the enemy, or in ransoming vessels or their cargoes from the enemy, be subjected to adequate penalties.

To shorten as much as possible the duration of the war, it is indispensable that the enemy should feel all the pressure that can be given to it, and the restraints having that tendency will be borne with the greater cheerfulness by all good citizens, as the restraints will affect those most who are most ready to sacrifice the interests of their country in pursuit of their own.

SPECIAL MESSAGE.

FEBRUARY 26, 1814.

To the Senate and House of Representatives of the United States:—

IT has appeared that at the recovery of the Michigan territory from the temporary possession of the enemy, the inhabitants thereof were left in so destitute and distressed a condition as to require from the public stores certain supplies essential to their subsistence which have been prolonged under the same necessity which called for them.

The deplorable situation of the savages, thrown by the same event on the mercy and humanity of the American commander at Detroit, drew from the same source the means of saving them from perishing by famine; and in other places the appeals made by the wants and sufferings of that unhappy description of people have been equally imperious.

The necessity imposed by the conduct of the enemy in relation to the savages, of admitting their co-operation in some instances with our arms, has also involved occasional expense in supplying their wants; and it is possible that a perseverance of the enemy in their cruel policy may render a further expense for the like purpose inevitable.

On these subjects an estimate from the department of war will be laid before Congress, and I recommend a suitable provision for them.

SPECIAL MESSAGE.

MARCH 31, 1814.

Fellow-Citizens of the Senate and House of Representatives:—

TAKING into view the mutual interest which the United States and the foreign nations in amity with them have in a liberal commercial intercourse, and the extensive changes favorable thereto which have recently taken place—taking into view, also, the important advantages which may otherwise result from adapting the state of our commercial laws to the circumstances now existing, I recommend to the consideration of Congress the expediency of authorizing, after a certain day, exportations (specie excepted) from the United States, and in vessels of the United States, and in vessels owned and navigated by the subjects of powers at peace with them; and a repeal of so much of our laws as prohibits the importation of articles not the property of enemies, but produced or manufactured only within their dominions.

I recommend, also, as a more effectual safeguard and encouragement to our growing manufactures, that the additional duties on imports which are to expire at the end of one year after a peace with Great Britain, be prolonged to the end of two years after that event; and that, in favor of our moneyed institutions, the exportation of specie be prohibited throughout the same period.

SIXTH ANNUAL MESSAGE.

SEPTEMBER 20, 1814.

Fellow-Citizens of the Senate and House of Representatives:—

NOTWITHSTANDING the early day which had been fixed for your session of the present year, I was induced to call you together still sooner, as well that any inadequacy in the existing provisions for the wants of the treasury might be supplied, as that no delay might happen in providing for the result of the negotiations on foot with Great Britain, whether it

should require arrangements adapted to a return of peace, or further and more effective provisions for prosecuting the war.

That result is not yet known. If, on the one hand, the repeal of the order in council and the general pacification in Europe, which withdrew the occasion on which impressments from American vessels were practised, suggest expectations that peace and amity may be re-established, we are compelled, on the other hand, by the refusal of the British government to accept the offered mediation of the emperor of Russia, by the delays in giving effect to its own proposal of a direct negotiation, and above all, by the principles and manner in which the war is now avowedly carried on, to infer that a spirit of hostility is indulged, more violent than ever, against the rights and prosperity of this country.

This increased violence is best explained by the two important circumstances, that the great contest in Europe for an equilibrium guarantying all its states against the ambition of any, has been closed without any check on the overbearing power of Great Britain on the ocean; and that it has left in her hands disposable armaments, with which, forgetting the difficulties of a remote war with a free people, and yielding to the intoxication of success, with the example of a great victim to it before her eyes, she cherishes hopes of still further aggrandizing a power already formidable in its abuses to the tranquillity of the civilized and commercial world.

But whatever may have inspired the enemy with these more violent purposes, the public councils of a nation more able to maintain than it was to acquire its independence, and with a devotion to it rendered more ardent by the experience of its blessings, can never deliberate but on the means most effectual for defeating the extravagant views or unwarrantable passions with which alone the war can now be pursued against us.

In the events of the present campaign, the enemy with all his augmented means and wanton use of them has little ground for exultation, unless he can feel it in the success of his recent enterprises against this metropolis and the neighboring town of Alexandria, from both of which his retreats were as precipitate as his attempts were bold and fortunate. In his other incursions on our Atlantic frontier, his progress, often checked and chastised by the martial spirit of the neighboring citizens, has had more effect in distressing individuals and in dishonoring his arms than in promoting any object of legitimate warfare. And in the two instances mentioned, however deeply to be regretted on our part, he will find in his transient success, which interrupted for a moment only the ordinary public business at the seat of government, no compensation for the loss of character with the world, by his violations of private property and by his destruction of public edifices protected as monuments of the arts by the laws of civilized warfare.

On our side we can appeal to a series of achievements which have given new lustre to the American arms. Besides the brilliant incidents in the minor operations of the campaign, the splendid victories gained on the Canadian side of the Niagara by the American forces under Major-General Brown, and Brigadiers Scott and Gaines, have gained for these heroes, and their emulating companions, the most unfading laurels, and having triumphantly tested the progressive discipline of the American soldiery, have taught the enemy that the longer he protracts his hostile efforts the more certain and decisive will be his final discomfiture.

On our southern border victory has continued also to follow the American standard. The bold and skilful operations of Major-General Jackson,

conducting troops drawn from the militia of the states least distant, particularly of Tennessee, have subdued the principal tribes of hostile savages, and by establishing a peace with them, preceded by recent and exemplary chastisement, has best guarded against the mischief of their co-operation with the British enterprises which may be planned against that quarter of our country. Important tribes of Indians on our northwestern frontier have also acceded to stipulations which bind them to the interests of the United States, and to consider our enemy as theirs also.

In the recent attempt of the enemy on the city of Baltimore, defended by militia and volunteers, aided by a small body of regulars and seamen, he was received with a spirit which produced a rapid retreat to his ships, while a concurrent attack by a large fleet was successfully resisted by the steady and well-directed fire from the fort and batteries opposed to it.

In another recent attack by a powerful force on our troops at Plattsburg, of which regulars made a part only, the enemy, after a perseverance for many hours, was finally compelled to seek safety in a hasty retreat, with our gallant bands pressing upon him.

On the lakes, so much contested throughout the war, the great exertions for the command made on our part have been well repaid. On Lake Ontario our squadron is now, and has been for some time, in a condition to confine that of the enemy to his own port, and to favor the operations of our land forces on that frontier.

A part of the squadron on Lake Erie has been extended into Lake Huron, and has produced the advantage of displaying our command on that lake also. One object of the expedition was the reduction of Mackinaw, which failed with the loss of a few brave men, among whom was an officer justly distinguished for his gallant exploits. The expedition, ably conducted by both the land and the naval commanders, was otherwise highly valuable in its effects.

On Lake Champlain, where our superiority had for some time been undisputed, the British squadron lately came into action with the American, commanded by Captain Macdonough. It issued in the capture of the whole of the enemy's ships. The best praise for this officer and his intrepid comrades is in the likeness of his triumph to the illustrious victory which immortalized another officer, and established at a critical moment our command of another lake.

On the ocean the pride of our naval arms has been amply supported. A second frigate has indeed fallen into the hands of the enemy, but the loss is hidden in the blaze of heroism with which she was defended. Captain Porter, who commanded her, and whose previous career had been distinguished by daring enterprise and by fertility of genius, maintained a sanguinary contest against two ships, one of them superior to his own, and under other severe disadvantages, till humanity tore down the colors which valor had nailed to the mast. This officer and his brave comrades have added much to the rising glory of the American flag, and have merited all the effusions of gratitude which the country is ever ready to bestow on the champions of its rights and of its safety.

Two smaller vessels-of-war have also become prizes to the enemy, but by a superiority of force which sufficiently vindicates the reputations of their commanders; while two others, one commanded by Captain Warrington, the other by Captain Blakely, have captured British ships of the same class, with a gallantry and good conduct which entitle them and their companions to a just share in the praise of their country.

In spite of the naval force of the enemy accumulated on our coast, our private cruisers also have not ceased to annoy his commerce and to bring their rich prizes into our ports; contributing thus, with other proofs, to demonstrate the incompetency and illegality of a blockade, the proclamation of which is made the pretext for vexing and discouraging the commerce of neutral powers with the United States.

To meet the extended and diversified warfare adopted by the enemy great bodies of militia have been taken into service for the public defence and great expenses incurred. That the defence everywhere may be both more convenient and more economical, Congress will see the necessity of immediate measures for filling the ranks of the regular army, and of enlarging the provision for special corps, mounted and unmounted, to be engaged for longer periods of service than are due from the militia. I earnestly renew, at the same time, a recommendation of such changes in the system of the militia, as, by classing and disciplining for the most prompt and active service the portions most capable of it, will give to that great resource for the public safety all the requisite energy and efficiency.

The moneys received into the treasury during the nine months ending on the 30th day of June last, amounted to thirty-two millions of dollars, of which near eleven millions were the proceeds of the public revenue, and the remainder derived from loans. The disbursements for public expenditures during the same period exceeded thirty-four millions of dollars, and left in the treasury, on the first day of July, near five millions of dollars. The demands during the remainder of the present year, already authorized by Congress, and the expenses incident to an extension of the operations of the war, will render it necessary that large sums should be provided to meet them.

From this view of the national affairs, Congress will be urged to take up, without delay, as well the subject of pecuniary supplies as that of military force, and on a scale commensurate with the extent and character which the war has assumed. It is not to be disguised that the situation of our country calls for its greatest efforts. Our enemy is powerful in men and money, on the land and on the water. Availing himself of fortuitous advantages, he is aiming with his undivided force a deadly blow to our growing prosperity, perhaps at our national existence. He has avowed his purpose of trampling on the usages of civilized warfare, and given earnests of it in the plunder and wanton destruction of private property. In his pride of maritime dominion, and in his thirst of commercial monopoly, he strikes with peculiar animosity at the progress of our navigation and our manufactures. His barbarous policy has not even spared those monuments of the arts and models of taste with which our country had enriched and embellished its infant metropolis. From such an adversary, hostility in its greatest force and worst forms may be looked for. The American people will face it with the undaunted spirit which in their revolutionary struggle defeated his unrighteous projects. His threats, and his barbarities, instead of dismay, will kindle in every bosom an indignation not to be extinguished but in the disaster and expulsion of such cruel invaders. In providing the means necessary, the national legislature will not distrust the heroic and enlightened patriotism of its constituents. They will cheerfully and proudly bear every burden of every kind which the safety and honor of the nation demand. We have seen them everywhere paying their taxes, direct and indirect, with the greatest promptness and alacrity. We see them rushing with enthusiasm to the scenes where

danger and duty call. In offering their blood they gave the surest pledge that no other tribute will be withheld.

Having forborne to declare war until to other aggressions had been added the capture of nearly a thousand American vessels, and the impressment of thousands of American seafaring citizens, and until a final declaration had been made by the government of Great Britain that her hostile orders against our commerce would not be revoked but on conditions as impossible as unjust, while it was known that these orders would not otherwise cease but with a war which had lasted, nearly twenty years, and which according to appearances at that time, might last as many more; having manifested, on every occasion and in every proper mode, a sincere desire to arrest the effusion of blood and meet our enemy on the ground of justice and reconciliation, our beloved country, in still opposing to his persevering hostility all its energies, with an undiminished disposition toward peace and friendship on honorable terms, must carry with it the good wishes of the impartial world, and the best hopes of support from an omnipotent and kind Providence.

BANK MESSAGE.

JANUARY 30, 1815.

To the Senate of the United States :—

HAVING bestowed on the bill entitled, "An act to incorporate the subscribers to the Bank of the United States of America," that full consideration which is due to the great importance of the subject, and dictated by the respect which I feel for the two houses of Congress, I am constrained, by a deep and solemn conviction that the bill ought not to become a law, to return it to the senate, in which it originated, with my objections to the same.

Waiving the question of the constitutional authority of the legislature to establish an incorporated bank, as being precluded in my judgment by repeated recognitions under varied circumstances, of the validity of such an institution in acts of the legislative, executive, and judicial branches of the government, accompanied by indications, in different modes, of a concurrence of the general will of the nation, the proposed bank does not appear to be calculated to answer the purposes of reviving the public credit, of providing a national medium of circulation, and of aiding the treasury by facilitating the indispensable anticipations of the revenue, and by affording to the public more durable loans.

1. The capital of the bank is to be compounded of specie, of public stock, and of the treasury-notes convertible into stock, with a certain proportion of each of which every subscriber is to furnish himself.

The amount of the stock to be subscribed will not, it is believed, be sufficient to produce, in favor of the public credit, any considerable or lasting elevation of the market price, while this may be occasionally depressed by the bank itself, if it should carry into the market the allowed proportion of its capital, consisting of public stock, in order to procure specie, which it may find its account in procuring with some sacrifice on the part of its capital.

Nor will any adequate advantage arise to the public credit from the subscription of treasury-notes. The actual issue of these notes nearly equals at present, and will soon exceed, the amount to be subscribed to the bank. The direct effect of this operation is simply to convert fifteen millions of treasury-notes into fifteen millions of six per cent. stock, with the collateral effect of promoting an additional demand for treasury-notes beyond what might be otherwise negotiable.

Public credit might indeed be expected to derive advantage from the establishment of a national bank, without regard to the formation of its capital, if the full aid and co-operation of the institution were secured to the government during the war, and during the period of its fiscal embarrassments. But the bank proposed will be free from all legal obligation to co-operate with the public measures, and whatever might be the patriotic disposition of its directors to contribute to the removal of those embarrassments, and to invigorate the prosecution of the war, fidelity to the pecuniary and general interest of the institution, according to their estimation of it, might oblige them to decline a connexion of their operations with those of the national treasury, during the continuance of the war and the difficulties incident to it. Temporary sacrifices of interest, though overbalanced by the future and permanent profits of the charter, not being requirable of right in behalf of the public, might not be gratuitously made, and the bank would reap the full benefit of the grant while the public would lose the equivalent expected from it. For it must be kept in view, that the sole inducement to such a grant on the part of the public would be the prospect of substantial aids to its pecuniary means at the present crisis and during the sequel of the war. It is evident that the stock of the bank will, on the return of peace, if not sooner, rise in the market to a value which, if the bank were established in period of peace, would authorize and obtain for the public a bonus to a very large amount. In lieu of such a bonus, the government is fairly entitled to, and ought not to relinquish or risk the needful services of the bank under the pressing circumstances of war.

2. The bank, as proposed to be constituted, can not be relied on during the war to provide a circulating medium, nor to furnish loans or anticipations of the public revenue.

Without a medium the taxes can not be collected, and in the absence of specie the medium understood to be the best substituted is that of notes issued by a national bank. The proposed bank will commence and conduct its operations under an obligation to pay its notes in specie, or to be subject to the loss of its charter. Without such an obligation, the notes of the bank, though not exchangeable for specie, yet resting on good pledges and performing the uses of specie in the payment of taxes, and in other public transactions, would, as experience has ascertained, qualify the bank to supply at once a circulating medium and pecuniary aids to the government. Under the fetters imposed by the bill it is manifest, that during the actual state of things, and probably during the war, the period particularly requiring such a medium and such a resource for loans and advances to the government, notes for which the bank would be compellable to give specie in exchange could not be kept in circulation. The most the bank could effect, and the most it would be expected to aim at, would be to keep the institution alive by limited and local transactions which, with the interest on the public stock in the bank, might yield a dividend sufficient for the purpose until a change from war to peace should

enable it, by a flow of specie into its vaults and a removal of the external demand for it, to derive its contemplated emoluments from a safe and full extension of its operations.

On the whole, when it is considered that the proposed establishment will enjoy the monopoly of the profits of a national bank for a period of twenty years; that the monopolized profits will be continually growing with the progress of the national population and wealth; that the nation will, during the same period, be dependent on the notes of the bank for that species of circulating medium, whenever the precious metals may be wanted, and at all times for so much thereof as may be an eligible substitute for a specie medium; and that the extensive employment of the notes in the collection of the augmented taxes will, moreover, enable the bank greatly to extend its profitable issues of them, without the expense of specie capital to support their circulation, it is as reasonable as it is requisite that the government, in return for these extraordinary concessions to the bank, should have a greater security for attaining the public objects of the institution than is presented in the bill, and particularly for every practicable accommodation, both in the temporary advances necessary to anticipate the taxes, and in those more durable loans which are equally necessary to diminish the resort to taxes.

In discharging this painful duty of stating objections to a measure which has undergone the deliberations and received the sanction of the two houses of the national legislature, I console myself with the reflection, that if they have not the weight which I attach to them they can be constitutionally overruled, and with a confidence that in a contrary event the wisdom of Congress will hasten to substitute a more commensurate and certain provision for the public exigencies.

SPECIAL MESSAGE.

FEBRUARY 20, 1815.

To the Senate and House of Representatives of the United States:—

I LAY before Congress copies of the treaty of peace and amity between the United States and his Britannic majesty, which was signed by the commissioners of both parties at Ghent, on the 24th of December, 1814, and the ratifications of which have been duly exchanged.

While performing this act, I congratulate you and our constituents upon an event which is highly honorable to the nation, and terminates with peculiar felicity a campaign signalized by the most brilliant successes.

The late war, although reluctantly declared by Congress, had become a necessary resort to assert the rights and independence of the nation. It has been waged with a success which is the natural result of the wisdom of the legislative councils, of the patriotism of the people, of the public spirit of the militia, and of the valor of the military and naval forces of the country. Peace, at all times a blessing, is peculiarly welcome therefore at a period when the causes for the war have ceased to operate; when the government has demonstrated the efficiency of its powers of defence; and when the nation can review its conduct without regret and without reproach.

I recommend to your care and beneficence the gallant men whose achievements in every department of the military service, on the land and on the water, have so essentially contributed to the honor of the American name, and to the restoration of peace. The feelings of conscious patriotism and worth will animate such men under every change of fortune and pursuit, but their country performs a duty to itself when it bestows those testimonials of approbation and applause which are at once the reward and the incentive to great actions.

The reduction of the public expenditures to the demands of a peace establishment will doubtless engage the immediate attention of Congress. There are, however, important considerations which forbid a sudden and general revocation of the measures that have been produced by the war. Experience has taught us that neither the pacific dispositions of the American people, nor the pacific character of their political institutions, can altogether exempt them from that strife which appears, beyond the ordinary lot of nations, to be incident to the actual period of the world; and the same faithful monitor demonstrates that a certain degree of preparation for war is not only indispensable to avert disasters in the onset, but affords also the best security for the continuance of peace. The wisdom of Congress will therefore, I am confident, provide for the maintenance of an adequate regular force; for the gradual advancement of the naval establishment; for improving all the means of harbor defence; for adding discipline to the distinguished bravery of the militia; and for cultivating the military art in its essential branches, under the liberal patronage of government.

The resources of our country were at all times competent to the attainment of every national object, but they will now be enriched and invigorated by the activity which peace will introduce into all the means of domestic enterprise and labor. The provision that has been made for the public creditors during the present session of Congress must have a decisive effect in the establishment of the public credit both at home and abroad. The reviving interests of commerce will claim the legislative attention at the earliest opportunity, and such regulations will, I trust, be seasonably devised as shall secure to the United States their just proportion of the navigation of the world. The most liberal policy toward other nations, if met by corresponding dispositions, will in this respect be found the most beneficial policy toward ourselves. But there is no subject that can enter with greater force and merit into the deliberations of Congress, than a consideration of the means to preserve and promote the manufactures which have sprung into existence, and attained an unparalleled maturity throughout the United States during the period of the European wars. This source of national independence and wealth I anxiously recommend, therefore, to the prompt and constant guardianship of Congress.

The termination of the legislative sessions will soon separate you, fellow-citizens, from each other, and restore you to your constituents. I pray you to bear with you the expressions of my sanguine hope that the peace which has been just declared will not only be the foundation of the most friendly intercourse between the United States and Great Britain, but that it will also be productive of happiness and harmony in every section of our beloved country. The influence of your precepts and example must be everywhere powerful; and while we accord in grateful acknowledgments for the protection which Providence has bestowed upon

us, let us never cease to inculcate obedience to the laws and fidelity to the Union as constituting the palladium of the national independence and prosperity.

SPECIAL MESSAGE.

FEBRUARY 25, 1815.

To the Senate and House of Representatives of the United States:—

PEACE having happily taken place between the United States and Great Britain, it is desirable to guard against incidents which during the periods of war in Europe might tend to interrupt it; and it is believed, in particular, that the navigation of American vessels exclusively by American seamen, either natives or such as are already naturalized, would not only conduce to the attainment of that object, but also to increase the number of our seamen, and consequently to render our commerce and navigation independent of the service of foreigners, who might be recalled by their governments under circumstances the most inconvenient to the United States. I recommend the subject, therefore, to the consideration of Congress, and in deciding upon it I am persuaded that they will sufficiently estimate the policy of manifesting to the world a desire on all occasions to cultivate harmony with other nations, by any reasonable accommodations which do not impair the enjoyment of any of the essential rights of a free and independent people. The example on the part of the American government will merit, and may be expected to receive, a reciprocal attention from all the friendly powers of Europe

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CONFIDENTIAL MESSAGE.

FEBRUARY 23, 1815.

To the Senate and House of Representatives of the United States:—

CONGRESS will have seen by the communication from the consul-general of the United States at Algiers, laid before them on the 17th of November, 1812, the hostile proceedings of the dey against that functionary. These have been followed by acts of more overt and direct warfare against the citizens of the United States trading in the Mediterranean, some of whom are still detained in captivity, notwithstanding the attempts which have been made to ransom them, and are treated with the rigor usual on the coast of Barbary.

The considerations which rendered it unnecessary and unimportant to commence hostile operations on the part of the United States being now terminated by the peace with Great Britain, which opens the prospect of an active and valuable trade of their citizens within the range of the Algerine cruisers, I recommend to Congress the expediency of an act declaring the existence of a state of war between the United States and the dey and regency of Algiers, and of such provisions as may be requisite for a vigorous prosecution of it to a successful issue.

SEVENTH ANNUAL MESSAGE.

DECEMBER 5, 1815.

Fellow-Citizens of the Senate and House of Representatives:—

I HAVE the satisfaction, on our present meeting, of being able to communicate to you the successful termination of the war which had been commenced against the United States by the regency of Algiers. The squadron in advance on that service, under Commodore Decatur, lost not a moment after its arrival in the Mediterranean in seeking the naval force of the enemy then cruising in that sea, and succeeded in capturing two of his ships, one of them the principal ship commanded by the Algerine admiral. The high character of the American commander was brilliantly sustained on the occasion which brought his own ship into close action with that of his adversary, as was the accustomed gallantry of all the officers and men actually engaged. Having prepared the way by this demonstration of American skill and prowess, he hastened to the port of Algiers, where peace was promptly yielded to his victorious force. In the terms stipulated, the rights and honor of the United States were particularly consulted by a perpetual relinquishment, on the part of the dey, of all pretensions to tribute from them. The impressions which have thus been made, strengthened as they will have been by subsequent transactions with the regency of Tunis and Tripoli, by the appearance of the larger force which followed under Commodore Bainbridge, the chief in command of the expedition, and by the judicious precautionary arrangements left by him in that quarter, afford reasonable prospect of future security for the valuable portion of our commerce which passes within the reach of the Barbary cruisers.

It is another source of satisfaction, that the treaty of peace with Great Britain has been succeeded by a convention on the subject of commerce concluded by the plenipotentiaries of the two countries. In this result a disposition is manifested on the part of that nation corresponding with the disposition of the United States, which it may be hoped will be improved into liberal arrangements on other subjects on which the parties have mutual interests, or which might endanger their future harmony. Congress will decide on the expediency of promoting such a sequel by giving effect to the measure of confining the American navigation to American seamen —a measure which, at the same time that it might have that conciliatory tendency, would have the further advantage of increasing the independence of our navigation, and the resources of our maritime defence.

In conformity with the articles of the treaty of Ghent, relating to the Indians, as well as with a view to the tranquillity of our western and northwestern frontiers, measures were taken to establish an immediate peace with the several tribes who had been engaged in hostilities against the United States. Such of them as were invited to Detroit acceded readily to a renewal of the former treaties of friendship. Of the other tribes who were invited to a station on the Mississippi, the greater number have also accepted the peace offered to them. The residue, consisting of the more distant tribes or parts of tribes, remain to be brought over by further explanations, or by such other means as may be adapted to the dispositions they may finally disclose.

The Indian tribes within, and bordering on, our southern frontier, whom

a cruel war on their part had compelled us to chastise into peace, have latterly shown a restlessness which has called for preparatory measures for repressing it, and for protecting the commissioners engaged in carrying the terms of the peace into execution.

The execution of the act for fixing the military peace establishment has been attended with difficulties which even now can only be overcome by legislative aid. The selection of officers; the payment and discharge of the troops enlisted for the war; the payment of the retained troops, and their reunion from detached and distant stations; the collection and security of the public property, in the quartermaster, commissary, and ordnance departments; and the constant medical assistance required in hospitals and garrisons, rendered a complete execution of the act impracticable on the first of May, the period more immediately contemplated. As soon, however, as circumstances would permit, and as far as it has been practicable consistently with the public interests, the reduction of the army has been accomplished; but the appropriations for its pay, and for other branches of the military service, having proved inadequate, the earliest attention to that subject will be necessary; and the expediency of continuing upon the peace establishment the staff officers who have hitherto been provisionally retained is also recommended to the consideration of Congress.

In the performance of the executive duty upon this occasion there has not been wanting a just sensibility to the merits of the American army during the late war; but the obvious policy and design in fixing an efficient military peace establishment did not afford an opportunity to distinguish the aged and infirm on account of their past services, nor the wounded and disabled on account of their present sufferings. The extent of the reduction indeed unavoidably involved the exclusion of many meritorious officers of every rank from the service of their country; and so equal, as well as so numerous, were the claims to attention, that a decision by the standard of comparative merit could seldom be attained. Judged, however, in candor, by a general standard of positive merit, the army register will, it is believed, do honor to the establishment, while the case of those officers whose names are not included in it devolves with the strongest interests upon the legislative authority, for such provision as shall be deemed the best calculated to give support and solace to the veteran and invalid, to display the beneficence, as well as the justice of the government, and to inspire a martial zeal for the public service upon every future emergency.

Although the embarrassments arising from the want of a uniform national currency have not been diminished since the adjournment of Congress, great satisfaction has been derived in contemplating the revival of the public credit, and the efficiency of the public resources. The receipts into the treasury, from the various branches of revenue, during the nine months ending on the 30th of September last, have been estimated at twelve millions and a half of dollars; the issues of treasury-notes of every denomination during the same period amounted to the sum of fourteen millions of dollars; and there was also obtained upon loan during the same period, a sum of nine millions of dollars, of which the sum of six millions of dollars was subscribed in cash, and the sum of three millions of dollars in treasury-notes. With these means added to the sum of one million and a half of dollars, being the balance of money in the treasury on the first of January, there has been paid between the 1st of January and

the 1st of October, on account of the appropriations of the preceding and of the present year (exclusively of the amount of the treasury-notes subscribed to the loan, and the amount redeemed in the payment of duties and taxes), the aggregate sum of thirty-three millions and a half of dollars, leaving a balance then in the treasury estimated at the sum of three millions of dollars. Independent, however, of the arrearages due for military services and supplies, it is presumed that a further sum of five millions of dollars, including the interest on the public debt payable on the first of January next, will be demanded at the treasury to complete the expenditures of the present year, and for which the existing ways and means will sufficiently provide.

The national debt, as it was ascertained on the first of October last, amounted in the whole to the sum of one hundred and twenty millions of dollars, consisting of the unredeemed balance of the debt contracted before the late war (thirty-nine millions of dollars), the amount of the funded debt contracted in consequence of the war (sixty-four millions of dollars), and the amount of the unfunded floating debt (including the various issues of treasury-notes), seventeen millions of dollars, which is in a gradual course of payment. There will probably be some addition to the public debt upon the liquidation of various claims which are depending; and a conciliatory disposition on the part of Congress may lead honorably and advantageously to an equitable arrangement of the militia expenses incurred by the several states without the previous sanction or authority of the government of the United States; but when it is considered that the new as well as the old portion of the debt has been contracted in the assertion of the national rights and independence, and when it is recollected that the public expenditures, not being exclusively bestowed upon subjects of a transient nature, will long be visible in the number and equipments of the American navy, in the military works for the defence of our harbors and our frontiers, and the supplies of our arsenals and magazines, the amount will bear a gratifying comparison with the objects which have been attained, as well as with the resources of the country.

The arrangement of the finances with a view to the receipts and expenditures of a permanent peace establishment will necessarily enter into the deliberations of Congress during the present session. It is true that the improved condition of the public revenue will not only afford the means of maintaining the faith of the government with its creditors inviolate, and of prosecuting successfully the measures of the most liberal policy, but will also justify an immediate alleviation of the burdens imposed by the necessities of the war. It is, however, essential to every modification of the finances, that the benefits of a uniform national currency should be restored to the community. The absence of the precious metals will, it is believed, be a temporary evil, but until they can again be rendered the general medium of exchange, it devolves on the wisdom of Congress to provide a substitute which shall equally engage the confidence and accommodate the wants of the citizens throughout the Union. If the operation of the state banks can not produce this result, the probable operation of a national bank will merit consideration; and, if neither of these expedients be deemed effectual, it may be necessary to ascertain the terms upon which the notes of the government (no longer required as an instrument of credit) shall be issued upon motives of general policy as a common medium of circulation.

Notwithstanding the security for future repose which the United States

ought to find in their love of peace, and their constant respect for the rights of other nations, the character of the times particularly inculcates the lesson that, whether to prevent or repel danger, we ought not to be unprepared for it. This consideration will sufficiently recommend to Congress a liberal provision for the immediate extension and gradual completion of the works of defence, both fixed and floating, on our maritime frontier, and an adequate provision for guarding our inland frontier against dangers to which certain portions of it may continue to be exposed.

As an improvement in our military establishment, it will deserve the consideration of Congress whether a corps of invalids might not be so organized and employed as at once to aid in the support of meritorious individuals excluded by age or infirmities from the existing establishment, and to preserve to the public the benefit of their stationary services and of their exemplary discipline. I recommend, also, an enlargement of the military academy already established, and the establishment of others in other sections of the Union. And I can not press too much on the attention of Congress such a classification and organization of the militia as will most effectually render it the safeguard of a free state. If experience has shown in the recent splendid achievements of militia the value of this resource for the public defence, it has shown also the importance of that skill in the use of arms and that familiarity with the essential rules of discipline which can not be expected from the regulations now in force. With this subject is intimately connected the necessity of accommodating the laws, in every respect, to the great object of enabling the political authority of the Union to employ promptly and effectually the physical power of the Union in the cases designated by the constitution.

The signal services which have been rendered by our navy, and the capacities it has developed for successful co-operation in the national defence, will give to that portion of the public force its full value in the eyes of Congress, at an epoch which calls for the constant vigilance of all governments. To preserve the ships now in a sound state, to complete those already contemplated, to provide amply the imperishable materials for prompt augmentations, and to improve the existing arrangements into more advantageous establishments for the construction, the repairs, and the security of vessels-of-war, is dictated by the soundest policy.

In adjusting the duties on imports to the object of revenue, the influence of the tariff on manufactures will necessarily present itself for consideration. However wise the theory may be which leaves to the sagacity and interest of individuals the application of their industry and resources, there are in this, as in other cases, exceptions to the general rule. Besides the condition which the theory itself implies of a reciprocal adoption by other nations, experience teaches that so many circumstances must occur in introducing and maturing manufacturing establishments, especially of the more complicated kinds, that a country may remain long without them, although sufficiently advanced, and in some respects even peculiarly fitted for carrying them on with success. Under circumstances giving a powerful impulse to manufacturing industry, it has made among us a progress, and exhibited an efficiency, which justify the belief that with a protection not more than is due to the enterprising citizens whose interests are now at stake, it will become at an early day not only safe against occasional competitions from abroad, but a source of domestic wealth and even of external commerce. In select-

ing the branches more especially entitled to the public patronage, a preference is obviously claimed by such as will relieve the United States from a dependence on foreign supplies, ever subject to casual failures, for articles necessary for the public defence, or connected with the primary wants of individuals. It will be an additional recommendation of particular manufactures, where the materials for them are extensively drawn from our agriculture, and consequently impart and insure to that great fund of national prosperity and independence an encouragement which can not fail to be rewarded.

Among the means of advancing the public interest, the occasion is a proper one for recalling the attention of Congress to the great importance of establishing throughout our country the roads and canals which can best be executed under the national authority. No objects within the circle of political economy so richly repay the expense bestowed upon them; there are none, the utility of which is more universally ascertained and acknowledged; none that do more honor to the government whose wise and enlarged patriotism duly appreciates them. Nor is there any country which presents a field where nature invites more the art of man to complete her own work for his accommodation and benefit. These considerations are strengthened, moreover, by the political effect of these facilities for intercommunication in bringing and binding more closely together the various parts of our extended confederacy. While the states individually, with a laudable enterprise and emulation, avail themselves of their local advantages by new roads, by navigable canals, and by improving the streams susceptible of navigation, the general government is the more urged to similar undertakings, requiring a national jurisdiction and national means, by the prospect of thus systematically completing so inestimable a work. And it is a happy reflection, that any defect of constitutional authority which may be encountered can be supplied in a mode which the constitution itself has providently pointed out.

The present is a favorable season also for bringing again into view the establishment of a national seminary of learning within the District of Columbia, and with means drawn from the property therein, subject to the authority of the general government. Such an institution claims the patronage of Congress as a monument of their solicitude for the advancement of knowledge without which the blessings of liberty can not be fully enjoyed or long preserved; as a model instructive in the formation of other seminaries; as a nursery of enlightened preceptors; as a central resort of youth and genius from every part of their country, diffusing on their return examples of those national feelings, those liberal sentiments, and those congenial manners, which contribute cement to our union, and strength to the political fabric of which that is the foundation.

In closing this communication I ought not to repress a sensibility, in which you will unite, to the happy lot of our country, and to the goodness of a superintending Providence to which we are indebted for it. While other portions of mankind are laboring under the distresses of war, or struggling with adversity in other forms, the United States are in the tranquil enjoyment of prosperous and honorable peace. In reviewing the scenes through which it has been attained, we can rejoice in the proofs given that our political institutions, founded in human rights and framed for their preservation, are equal to the severest trials of war as well as adapted to the ordinary periods of repose. As fruits of this experience, and of the reputation acquired by the American arms on the land and on

the water, the nation finds itself possessed of a growing respect abroad, and of a just confidence in itself, which are among the best pledges for its peaceful career. Under other aspects of our country, the strongest features of its flourishing condition are seen in a population rapidly increasing on a territory as productive as it is extensive; in a general industry and fertile ingenuity which find their ample rewards; and in an affluent revenue which admits a reduction of the public burdens without withdrawing the means of sustaining the public credit, of gradually discharging the public debt, of providing for the necessary defensive and precautionary establishments, and of patronizing, in every authorized mode, undertakings conducive to the aggregate wealth and individual comfort of our citizens.

It remains for the guardians of the public welfare to persevere in that justice and good will toward other nations which invite a return of these sentiments toward the United States; to cherish institutions which guaranty their safety and liberties civil and religious; and to combine with a liberal system of foreign commerce an improvement of the natural advantages, and a protection and extension of the independent resources, of our highly-favored and happy country.

In all measures having such objects, my faithful co-operation will be afforded.

EIGHTH ANNUAL MESSAGE.

DECEMBER 3, 1816.

Fellow-Citizens of the Senate and House of Representatives:—

IN reviewing the present state of our country, our attention can not be withheld from the effect produced from peculiar seasons which have very generally impaired the annual gifts of the earth and threaten scarcity in particular districts. Such, however, is the variety of soils, of climates, and of products, within our extensive limits that the aggregate resources of subsistence are more than sufficient for the aggregate wants. And as far as an economy of consumption, more than usual, may be necessary, our thankfulness is due to Providence for what is far more than a compensation, in the remarkable health which has distinguished the present year.

Amid the advantages which have succeeded the peace of Europe, and that of the United States with Great Britain, in a general invigoration of industry among us, and in the extension of our commerce, the value of which is more and more disclosing itself to commercial nations, it is to be regretted that a depression is experienced by particular branches of our manufactures, and by a portion of our navigation. As the first proceeds in an essential degree from an excess of imported merchandise, which carries a check in its own tendency, the cause in its present extent can not be of very long duration. The evil will not, however, be viewed by Congress without a recollection that manufacturing establishments, if suffered to sink too low, or languish too long, may not revive after the causes shall have ceased; and that in the vicissitudes of human affairs situations may recur in which a dependence on foreign sources for indispensable supplies may be among the most serious embarrassments.

The depressed state of our navigation is to be ascribed, in a material

degree, to its exclusion from the colonial ports of the nation most extensively connected with us in commerce, and from the indirect operation of that exclusion.

Previous to the late convention at London, between the United States and Great Britain, the relative state of the navigation laws of the two countries, growing out of the treaty of 1794, had given to the British navigation a material advantage over the American in the intercourse between the American ports and British ports in Europe. The convention of London equalized the laws of the two countries relating to those ports, leaving the intercourse between our ports and the ports of the British colonies subject as before to the respective regulations of the parties. The British government, enforcing new regulations which prohibit a trade between its colonies and the United States in American vessels, while they permit a trade in British vessels the American navigation suffers accordingly, and the loss is augmented by the advantage which is given to the British competition over the American, in the navigation between our ports and British ports in Europe, by the circuitous voyages enjoyed by the one and not enjoyed by the other.

The reasonableness of the rule of reciprocity, applied to one branch of the commercial intercourse, has been pressed on our part as equally applicable to both branches; but it is ascertained that the British cabinet declines all negotiation on the subject, with a disavowal, however, of any disposition to view in an unfriendly light whatever countervailing regulations the United States may oppose to the regulations of which they complain. The wisdom of the legislature will decide on the course which, under these circumstances, is prescribed by a joint regard to the amicable relations between the two nations, and to the just interests of the United States.

I have the satisfaction to state, generally, that we remain in amity with foreign powers.

An occurrence has indeed taken place in the gulf of Mexico, which, if sanctioned by the Spanish government, may make an exception as to that power. According to the report of our naval commander on that station, one of our public armed vessels was attacked by an overpowering force, under a Spanish commander, and the American flag, with the officers and crew, insulted in a manner calling for prompt reparation. This has been demanded. In the meantime, a frigate and a smaller vessel-of-war have been ordered into that gulf for the protection of our commerce. It would be improper to omit that the representative of his catholic majesty in the United States lost no time in giving the strongest assurances that no hostile order could have emanated from his government, and that it will be as ready to do, as to expect, whatever the nature of the case and the friendly relations of the two countries shall be found to require.

The posture of our affairs with Algiers, at the present moment, is not known. The dey, drawing pretexts from circumstances for which the United States were not answerable, addressed a letter to this government, declaring the treaty last concluded with him to have been annulled by our violation of it, and presenting, as the alternative, war or a renewal of our former treaty, which stipulated, among other things, an annual tribute. The answer, with an explicit declaration that the United States preferred war to tribute, required his recognition and observance of the treaty last made, which abolishes tribute and the slavery of our captured citizens The result of the answer has not been received. Should he renew his

warfare on our commerce, we rely on the protection it will find in our naval force actually in the Mediterranean.

With the other Barbary states our affairs have undergone no change.

The Indian tribes within our limits appear also disposed to remain at peace. From several of them purchases of lands have been made, particularly favorable to the wishes and security of our frontier settlements as well as to the general interests of the nation. In some instances the titles, though not supported by due proof, and clashing those of one tribe with the claims of another, have been extinguished by double purchases, the benevolent policy of the United States preferring the augmented expense to the hazard of doing injustice, or to the enforcement of justice against a feeble and untutored people by means involving or threatening an effusion of blood. I am happy to add that the tranquillity which has been restored among the tribes themselves, as well as between them and our own population, will favor the resumption of the work of civilization which had made an encouraging progress among some tribes, and that the facility is increasing for extending that divided and individual ownership, which exists now in moveable property only, to the soil itself; and of thus establishing, in the culture and improvement of it, the true foundation for a transit from the habits of the savage to the arts and comforts of social life.

As a subject of the highest importance to the national welfare, I must again earnestly recommend to the consideration of Congress a reorganization of the militia, on a plan which will form it into classes according to the periods of life more or less adapted to military services. An efficient militia is authorized and contemplated by the constitution, and required by the spirit and safety of free government. The present organization of our militia is universally regarded as less efficient than it ought to be made, and no organization can be better calculated to give to it its due force, than a classification which will assign the foremost place in the defence of the country to that portion of its citizens whose activity and animation best enable them to rally to its standard. Besides the consideration that a time of peace is the time when the change can be made with the most convenience and equity, it will now be aided by the experience of a recent war, in which the militia bore so interesting a part.

Congress will call to mind that no adequate provision has yet been made for the uniformity of weights and measures also contemplated by the constitution. The great utility of a standard fixed in its nature, and founded on the easy rule of decimal proportions, is sufficiently obvious. It led the government at an early stage to preparatory steps for introducing it, and a completion of the work will be a just title to the public gratitude.

The importance which I have attached to the establishment of a university within this district, on a scale and for objects worthy of the American nation, induces me to renew my recommendation of it to the favorable consideration of Congress. And I particularly invite again their attention to the expediency of exercising their existing powers, and where necessary, of resorting to the prescribed mode of enlarging them, in order to effectuate a comprehensive system of roads and canals, such as will have the effect of drawing more closely together every part of our country by promoting intercourse and improvements, and by increasing the share of every part in the common stock of national prosperity.

Occurrences have taken place which show that the statutory provisions for the dispensation of criminal justice are deficient in relation both to places and to persons, under the exclusive cognizance of the national

authority, an amendment of the law embracing such cases will merit the earliest attention of the legislature. It will be a seasonable occasion, also, for inquiring how far legislative interposition may be further requisite in providing penalties for offences designated in the constitution or in the statutes, and to which either no penalties are annexed or none with sufficient certainty. And I submit to the wisdom of Congress whether a more enlarged revisal of the criminal code be not expedient, for the purpose of mitigating, in certain cases, penalties which were adopted into it antecedent to experiments and examples which justify and recommend a more lenient policy.

The United States having been the first to abolish, within the extent of their authority, the transportation of the natives of Africa into slavery, by prohibiting the introduction of slaves and by punishing their citizens participating in the traffic, can not but be gratified at the progress made by concurrent efforts of other nations toward a general suppression of so great an evil. They must feel at the same time the greater solicitude to give the fullest efficacy to their own regulations. With that view, the interposition of Congress appears to be required by the violations and evasions which it is suggested are chargeable on unworthy citizens who mingle in the slave-trade under foreign flags and with foreign ports, and by collusive importations of slaves into the United States through adjoining ports and territories. I present the subject to Congress with a full assurance of their disposition to apply all the remedy which can be afforded by an amendment of the law. The regulations which were intended to guard against abuses of a kindred character in the trade between the several states ought also to be rendered more effectual for their humane object.

To these recommendations I add, for the consideration of Congress, the expediency of a remodification of the judiciary establishment, and of an additional department in the executive branch of the government.

The first is called for by the accruing business which necessarily swells the duties of the federal courts, and by the great and widening space within which justice is to be dispensed by them. The time seems to have arrived which claims for members of the supreme court a relief from itinerary fatigues, incompatible as well with the age which a portion of them will always have attained, as with the researches and preparations which are due to their stations and to the juridical reputation of their country. And considerations equally cogent require a more convenient organization of the subordinate tribunals, which may be accomplished without an objectionable increase of the number or expense of the judges.

The extent and variety of executive business also accumulating with the progress of our country and its growing population, call for an additional department, to be charged with duties now overburdening other departments, and with such as have not been annexed to any department.

The course of experience recommends, as another improvement in the executive establishment, that the provision for the station of attorney-general, whose residence at the seat of government, official connexions with it, and management of the public business before the judiciary, preclude an extensive participation in professional emoluments, be made more adequate to his services and his relinquishments; and that, with a view to his reasonable accommodation and to a proper depository of his official opinions and proceedings, there be included in the provision the usual appurtenances to a public office.

In directing the legislative attention to the state of the finances, it is a

subject of great gratification to find that even within the short period which has elapsed since the return of peace, the revenue has far exceeded all the current demands upon the treasury, and that under any probable diminution of its future annual products which the vicissitudes of commerce may occasion, it will afford an ample fund for the effectual and early extinguishment of the public debt. It has been estimated that, during the year 1816, the actual receipts of revenue at the treasury, including the balance at the commencement of the year, and excluding the proceeds of loans and treasury-notes, will amount to about the sum of forty-seven millions of dollars; that during the same year the actual payments at the treasury, including the payment of the arrearages of the war department as well as the payment of a considerable excess beyond the annual appropriations, will amount to about the sum of thirty-eight millions of dollars; and that consequently, at the close of the year, there will be a surplus in the treasury of about the sum of nine millions of dollars.

The operations of the treasury continue to be obstructed by difficulties arising from the condition of the national currency; but they have nevertheless been effectual to a beneficial extent in the reduction of the public debt and the establishment of the public credit. The floating debt of the treasury-notes and temporary loans will soon be entirely discharged. The aggregate of the funded debt, composed of debts incurred during the wars of 1776 and of 1812, has been estimated with reference to the 1st of January next, at a sum not exceeding one hundred and ten millions of dollars. The ordinary annual expenses of the government for the maintenance of all its institutions, civil, military, and naval, have been estimated at a sum less than twenty millions of dollars. And the permanent revenue to be derived from all the existing sources has been estimated at a sum of about twenty-five millions of dollars.

Upon this general view of the subject, it is obvious that there is only wanting to the fiscal prosperity of the government the restoration of a uniform medium of exchange. The resources and the faith of the nation displayed in the system which Congress has established, insure respect and confidence at home and abroad. The local accumulations of the revenue have already enabled the treasury to meet the public engagements in the local currency of most of the states, and it is expected that the same cause will produce the same effect throughout the Union. But for the interests of the community at large, as well as for the purposes of the treasury, it is essential that the nation should possess a currency of equal value, credit, and use, wherever it may circulate. The constitution has intrusted Congress exclusively with the power of creating and regulating a currency of that description, and the measures which were taken during the last session, in execution of the power, give every promise of success. The bank of the United States has been organized under auspices the most favorable, and can not fail to be an important auxiliary to those measures.

For a more enlarged view of the public finances, with a view of the measures pursued by the treasury department previous to the resignation of the late secretary, I transmit an extract from the last report of that officer. Congress will perceive in it ample proofs of the solid foundation on which the financial prosperity of the nation rests, and will do justice to the distinguished ability and successful exertions with which the duties of the department were executed during a period remarkable for its difficulties and its peculiar perplexities.

The period of my retiring from the public service being at a little dis-

tance, I shall find no occasion more proper than the present for expressing to my fellow-citizens my deep sense of the continued confidence and kind support which I have received from them. My grateful recollection of these distinguished marks of their favorable regard can never cease, and with the consciousness that, if I have not served my country with greater ability, I have served it with a sincere devotion, will accompany me as a source of unfailing gratification.

Happily I shall carry with me from the public theatre other sources, which those who love their country most will best appreciate. I shall behold it blessed with tranquillity and prosperity at home, and with peace and respect abroad. I can indulge the proud reflection that the American people have reached, in safety and success, their fortieth year as an independent nation; that for nearly an entire generation they have had experience of their present constitution, the offspring of their undisturbed deliberations and of their free choice; that they have found it to bear the trials of adverse as well as prosperous circumstances; to contain in its combination of the federate and elective principles, a reconcilement of public strength with individual liberty, of national power for the defence of national rights with a security against wars of injustice. of ambition, and of vain glory, in the fundamental provision which subjects all questions of war to the will of the nation itself, which is to pay its costs and feel its calamities. Nor is it less a peculiar felicity of this constitution, so dear to us all, that it is found to be capable, without losing its vital energies, of expanding itself over a spacious territory with the increase and expansion of the community for whose benefit it was established.

And may I not be allowed to add to this gratifying spectacle, that I shall read in the character of the American people, in their devotion to true liberty and to the constitution which is its palladium, sure presages that the destined career of my country will exhibit a government pursuing the public good as its sole object, and regulating its means by the great principles consecrated by its charter and by those moral principles to which they are so well allied: a government which watches over the purity of elections, the freedom of speech and of the press, the trial by jury, and the equal interdict against the encroachments and compacts between religion and state; which maintains inviolable the maxims of public faith, the security of persons and property, and encourages, in every authorized mode, that general diffusion of knowledge which guaranties to public liberty its permanency, and to those who possess the blessing the true enjoyment of it: a government which avoids intrusion on the internal repose of other nations, and repels them from its own; which does justice to all nations with a readiness equal to the firmness with which it requires justice from them; and which, while it refines its domestic code from every ingredient not congenial with the precepts of an enlightened age, and the sentiments of a virtuous people, seeks by appeals to reason and by its liberal examples, to infuse into the law which governs the civilized world a spirit which may diminish the frequency or circumscribe the calamities of war, and meliorate the social and beneficent relations of peace: a government, in a word, whose conduct, within and without, may bespeak the most noble of all ambitions—that of promoting peace on earth and good will to man.

These contemplations, sweetening the remnant of my days, will animate my prayers for the happiness of my beloved country, and a perpetuity of the institutions under which it is enjoyed.

SPECIAL MESSAGE.

APRIL 11, 1816.

To the Senate and House of Representatives of the United States:—

WITH a view to the more convenient arrangement of the important and growing business connected with the grant of exclusive rights to inventors and authors, I recommend the establishment of a distinct office within the department of state, to be charged therewith, under a director, with a salary adequate to his services, and with the privilege of franking communications by mail from and to the office. I recommend, also, that further restraints be imposed on the *issue* of patents to wrongful claimants, and further guards provided against fraudulent exactions of fees by persons possessed of patents.

SPECIAL MESSAGE.

DECEMBER 6, 1816.

To the Senate and House of Representatives of the United States:—

THE ninth section of the act passed at the last session of Congress, "to authorize the payment for property lost, captured, or destroyed by the enemy, while in the military services of the United States, and for other purposes," having received a construction giving it a scope of great and uncertain extent, I thought it proper that proceedings relative to claims under that part of the act should be suspended, until Congress should have an opportunity of defining more precisely the cases contemplated by them. With that view, I now recommend the subject to their consideration. They will have an opportunity, at the same time, of considering how far other provisions of the act may be rendered more clear and precise in their import.

SPECIAL MESSAGE.

DECEMBER 26, 1816.

To the Senate and House of Representatives of the United States:—

IT is found that the existing laws have not the efficacy necessary to prevent violations of the obligations of the United States as a nation at peace toward belligerent parties, and other unlawful acts on the high seas, by armed vessels equipped within the waters of the United States.

With a view to maintain, more effectually, the respect due to the laws, to the character, and to the neutral and pacific relations of the United States, I recommend to the consideration of Congress the expediency of such further legislative provisions as may be requisite for detaining vessels actually equipped, or in a course of equipment with a warlike force, within the jurisdiction of the United States; or, as the case may be, for obtaining from the owners or commanders of such vessels adequate securities against

the abuse of their armaments, with the exceptions in such provisions proper for the cases of merchant vessels furnished with the defensive armaments usual on distant and dangerous expeditions, and of a private commerce in military stores permitted by our laws, and which the law of nations does not require the United States to prohibit.

SPECIAL MESSAGE.

FEBRUARY 3, 1817.

To the Senate and House of Representatives of the United States:—

THE government of Great Britain, induced by the posture of the relations with the United States, which succeeded the conclusion of the recent commercial convention, issued an order on the 17th day of August, 1815, discontinuing the discriminating duties payable in British ports on American vessels and their cargoes. It was not until the 22d of December following, that a corresponding discontinuance of discriminating duties on British vessels and their cargoes, in American ports, took effect, under the authority vested in the executive, by the act of March, 1816. During the period between those two dates there was, consequently, a failure of reciprocity, or equality, in the existing regulations of the two countries. I recommend to the consideration of Congress, the expediency of paying to the British government the amount of the duties remitted, during the period in question, to the citizens of the United States, subject to a deduction of the amount of whatever discriminating duties may have commenced in British ports after the signature of that convention, and been collected previous to the 17th of August, 1815.

SPECIAL MESSAGE.

FEBRUARY 6, 1817.

To the Senate and House of Representatives of the United States:—

ON comparing the fourth section of the act of Congress, passed March 31, 1814, providing for the indemnification of certain claimants of public lands in the Mississippi territory, with the article of agreement and cession between the United States and state of Georgia, bearing date April 30, 1802, it appears that the engagement entered into with the claimants interfere with the rights and interests secured to that state. I recommend to Congress, that provision be made by law for payments to the state of Georgia, equal to the amount of Mississippi stock which shall be paid into the treasury, until the stipulated sum of one million two hundred and fifty thousand dollars shall be completed.

ADMINISTRATION OF MADISON.

On the fourth of March, 1809, James Madison was inaugurated as president of the United States. The oath of office was administered to him by Chief-Justice Marshall, in the capitol, at Washington in the presence of the ex-president, Mr. Jefferson, who sat at his right hand, the members of the late cabinet, many members of Congress, foreign ministers, and a large concourse of citizens. He was dressed in a plain suit of black, and delivered his inaugural address in a manner at once modest and dignified. The tone and sentiment of the address elicited general approbation, and hopes were entertained by the nation, that the gloomy aspect of affairs might be changed by the measures of the new administration with regard to our foreign relations. These anticipations of the people were doomed to disappointment.

Mr. Madison selected for his cabinet, Robert Smith, of Maryland, as secretary of state, William Eustis, of Massachusetts, secretary of war, Paul Hamilton, of South Carolina, secretary of the navy; Mr. Gallatin was continued as secretary of the treasury, as was Cesar A. Rodney, of Delaware, attorney-general.

The eleventh Congress met on the 22d of May, 1809, agreeably to a law passed by the previous Congress, in consequence of the critical state of the nation, and the apprehension of a war with Great Britain or France. The democratic ascendency in the house of representatives having been sustained at the recent elections, Joseph B. Varnum was re-elected speaker.

At this session, the non-intercourse act with Great Britain and France, which had been substituted for the embargo, by the last Congress, was continued, with some modifications. No very material alterations were made in the law, nor was any other very important measure adopted at this extra session, which lasted only about five weeks, and was terminated on the 28th of June.

Mr. Erskine, the British minister at Washington, considering the non-intercourse law as placing Great Britain and France on an equality, made a communication to the government of the United States, in April, informing it that he was authorized, by despatches received from his govern-

ment, to make reparation for the Chesapeake affair; also that an envoy extraordinary would soon be sent to the United States to conclude a treaty on all questions between the two countries, and that the orders in council would be repealed as to the United States, on the president's renewing the intercourse between America and Great Britain. The president issued a proclamation to that effect, on the 19th of April, stating the withdrawal of the British orders on the 10th of June, when the commerce between the two countries would be renewed. But the British government refused to sanction the overture and arrangement made by their minister, who, they declared, had exceeded the authority of his instructions; and he admitted that he had done so, in a letter to his government, in which he says, that "nothing would have induced me to deviate, in any degree, from the orders I had received, but a thorough conviction that by so doing I should accomplish the object which his majesty had in view; when by too strictly adhering to the letter of my instructions, I might lose the opportunity of promoting essentially his majesty's interests and wishes."

The president thereupon issued a second proclamation, reciting the facts, and declaring the act of non-intercourse to be revived and in full effect. Mr. Erskine was soon after recalled, and another envoy appointed in his stead. This transaction caused great irritation in the public mind and hostility toward England, among the American people, and a declaration of war at this time with England, would probably have been popular.

Mr. Jackson, the British envoy who succeeded Mr. Erskine, arrived at Washington at the close of the year 1809. He was directed to state the reasons for a refusal by the British government to confirm the arrangement made Mr. Erskine, and was authorized to enter into negotiations for a commercial treaty. But far from displaying the mild and conciliatory spirit of his predecessor, he attempted to vindicate the honor of his own government by dealing in censures and criminations upon the government of the United States, in a style unusual in diplomatic correspondence. He insinuated that the president and secretary of state must have known that Mr. Erskine had deviated from his instructions, and transcended his powers; and after the secretary of state denied the charge, he repeated the insinuation, which was deemed highly improper and insulting to our government. The correspondence between Mr. Jackson and the secretary of state was continued in the same angry tone for several weeks, each party considering himself harshly treated, and the president finally directed the secretary of state to receive no further communication from the British envoy Mr. Jackson therefore left Washington, immediately on receiving notice to that effect, and took up his residence in New York. At the request of the president, communicated through the American minister in London, Mr. Jackson was recalled, but without being censured, or the offer of any

apology for his conduct. Nor did the British ministry think proper to send another envoy to the United States until some months had elapsed after the return of Mr. Jackson to England.

Mr. Pinkney, the American minister to Great Britain, was continued at that court, but his efforts at negotiating proved unavailing, and early in 1811 he was instructed to return home. The British government, the same year appointed Mr. Foster minister to the United States, who effected a settlement of the affair of the Chesapeake frigate in November, 1811, and remained at Washington until the declaration of war against Great Britain, in 1812.

Congress again assembled on the 27th of November, 1809, and continued in session until the 1st of May, 1810—but during this period of more than five months, few acts of general importance were passed; among them were several respecting the public lands; also laws respecting the postoffice establishment and postroads, the territories, lighthouses, compensation to ministers to foreign countries, consuls, &c.; providing for taking the census in 1810; for payment of a portion of the public debt, by creating a new loan, &c. The non-intercourse with Great Britain and France was continued by a new act, and a joint resolution was adopted in relation to the controversy between the executive and Francis James Jackson, the British envoy to the United States; the language of whose official letters to Mr. Smith, the secretary of state, was declared to be highly indecorous and insolent, the conduct of the executive toward him approved, and Congress solemnly pledged to stand by the executive government, in its refusal to receive any further communication from said Jackson, and to call into action the whole force of the nation, if it should become necessary, to repel such insults, and to assert and maintain the rights, the honor, and interests of the United States.

In the early part of the year 1810, the French *decree of Rambouillet* was made known, and alleged by the emperor Napoleon to have been issued in retaliation of the non-intercourse act of the United States. All American vessels which, since the 20th of March, 1808, had entered any French port, or the ports of any French colony, or of any country occupied by the French, or which should thereafter enter, were declared forfeit, and were to be sold for the benefit of the national treasury of France. In addition to the numerous condemnations under this decree, the French privateers committed various depredations on American commerce.

By the new non-intercourse act already referred to, which was passed by Congress in May, 1810, it was provided, that if either Great Britain or France would repeal her obnoxious orders or decrees, and the other nation did not, within three months thereafter, repeal hers, that then intercourse should be renewed with the nation repealing her acts, while tow-

ard the other belligerent, the provisions of the non-intercourse act should operate and be in force.

The French government were informed of the passage of this act, by General Armstrong, United States minister at Paris; and the French minister for foreign affairs, the duke of Cadore, immediately addressed a note to General Armstrong, dated August, 1810, stating that "the Berlin and Milan decrees, issued by the emperor, were revoked, and would cease to have effect after the first of November following." He added that "his government had adopted this measure because the Congress of the United States had *retraced* its steps, and had engaged to oppose the belligerent (Great Britain) which refused to acknowledge the rights of neutrals. It being understood (or on condition) that the English shall revoke their orders in council, and renounce the new principles of blockade which they have wished to establish; or that the United States shall cause their rights to be respected by the English."

Although the language of the note of the duke of Cadore was somewhat equivocal and indefinite, it was received by our government in good faith, and the president issued his proclamation on the first of November, 1810, declaring that the French decrees were in fact revoked, and that the non-intercourse law would be revived and in force as to Great Britain, unless her orders in council should be revoked in three months after that date. Subsequent events served to prove that the emperor of France did not intend to revoke his decrees, in fact, unless Great Britain should also withdraw her orders affecting neutral commerce, or the United States should declare war against that nation. Indeed, after the first of November, American vessels and their cargoes were seized and held for sequestration; and several months later, in March, 1811, the French emperor declared, that "the decrees of Berlin and Milan were the fundamental laws of his empire." A new envoy from France, who arrived in the United States about this time, gave official notice to the administration that no remuneration would be made for the property sequestered.*

The president, in the meantime, urged on the British government a revocation of the orders in council, assuming that the French decrees were repealed. But the British government resisted the demand, on the ground that no sufficient evidence was furnished that the Berlin and Milan decrees had actually been repealed, and they insisted that the president's proclamation, and the subsequent law of Congress, passed in March, 1811 interdicting all commercial intercouse with England, were partial and unjust. Thus the unfriendly feelings between the United States and Great Britain were continued and increased. The British government was tenacious of the policy it had adopted relating to neutrals; and pleaded that its interests rendered it peculiarly necessary to be pursued at that time,

* Bradford.

American vessels and their cargoes, therefore, continued to be seized by British cruisers, and condemned in their admiralty courts.

During the third session of the 11th Congress, from the 3d of December, 1810, to the 3d of March, 1811, the subject of our foreign relations attracted much attention. The president's course toward France, and his proclamation, were approved by Congress, and the non-intercourse act was revived against Great Britain. Certain parts of the former act had been repealed, so as to induce mercantile enterprise with Great Britain and dependencies, but now the goods imported from British dominions were made liable to seizure; and bonds were required of the importers, to await a legal decision. The prices of British goods in the United States were then so high as to induce the merchants to take the risk of bonding the goods for the full amount of their invoice value.

At the same session of Congress, the people of Louisiana were authorized to form a constitution and state government, preparatory to being admitted into the Union.

The charter of the bank of the United States, which institution was incorporated in 1791, expired, by limitation, on the 4th of March, 1811, and a bill having been introduced into Congress to renew the charter, was indefinitely postponed, in the house of representatives, on the 24th of January, 1811, by a vote of 65 to 64. In the senate, a similar bill was rejected by the casting vote of the vice-president, George Clinton, on the 5th of February, 1811—the senate being equally divided on the question, 17 to 17. The provisions of the bill were said to have been, in a great measure, conformable to the views of the secretary of the treasury, Mr. Gallatin.

Mr. Madison and his cabinet made further efforts to conciliate the favor, or to prevent the hostile measures, of the emperor of France. In Febru ary, 1811, Joel Barlow was appointed minister to France, with instructions and full powers to negotiate a treaty of commerce with that government. Mr. Barlow was received with favor by the ministers of Napoleon, and they intimated a desire to form a treaty with the United States. But the policy of the emperor was to exclude British manufactures from the continent of Europe; in accomplishing which, he believed, the commerce of the United States must be restricted, or be under his control. Nothing, therefore, was effected by Mr. Barlow, with regard to a settlement of our difficulties with France.

The course of the administration with regard to the belligerent powers, England and France, was much censured by the opposition party. A distinguished senator of that party, from Connecticut, remarked, that "the path for the administration to pursue was as plain as a turnpike—the two belligerent nations should have been treated with strict impartiality; an embargo laid for a short and limited period; permission to merchants to arm their vessels, and such measures of defence, both on the land and on the

ocean, as the state of the country afforded, and as would, in a great measure, prove efficient for the purposes of commercial protection; and the manifestation of a proper spirit to maintain the rights of the nation." The system of gunboats merely for the harbors and coasts of the United States, were declared by him, and in this opinion a great portion of the citizens of the Atlantic states agreed with him, to be but an apology for a proper naval force.

This protracted period of commercial interruptions and restrictions was attended, as might have been anticipated, by a great reduction in the trade and revenue of the United States. The exports were much reduced in 1808, 1809, and 1810; and the imports suffered corresponding depression; so that it became necessary to resort to loans to meet the demands on the public treasury.

The American minister, Mr. Barlow, long remained at the court of France; expostulating with its ministers, for unfriendly and injurious acts toward the United States; and importuning for justice, and for some proofs of really amicable intentions in favor of the American government. But no direct and satisfactory answer was given to these repeated applications of the American envoy. After several months of delay on the subject, the emperor was pleased to decree, that "so long as the British orders in council were unrepealed, and the principles of the treaty of Utrecht (1713) with respect to neutrals were in operation, his edicts of Berlin and Milan must remain in force, as to those nations which should suffer their flag to be *denationalized*." This was at once decisive as to the policy and views of the emperor, and as to the designed inoperativeness of the alleged repeal of those decrees, as stated and promised in August, 1810. And when the British government was urged a second time to withdraw their orders in council, on the plea, by the American minister, that the French edicts were repealed, they declared, that "whenever those edicts were absolutely and unconditionally repealed by an *authentic* act of the French government, *publicly promulgated*, their orders would be revoked."*

The congressional elections in 1810–'11, proved that the policy of Mr. Madison's administration was sustained by a large majority of the American people; the preponderance of the democratic party being kept up in both branches of Congress. The twelfth Congress assembled on the 4th of November, 1811, when Henry Clay, of Kentucky, an ardent supporter of the administration, was elected speaker of the house of representatives: it being the first time in which he had taken his seat in that body. He had previously been a member of the United States senate, at two short sessions, when he had acquired considerable reputation as a ready and eloquent debater, and exhibited some of those traits of character which have since distinguished him in the annals of the country, as a statesman

* Bradford.

The presence of Mr. Clay as speaker, and of Messrs. Calhoun, Cheves, and Lowndes, of South Carolina, with other active and spirited members of the house of representatives, aided by William H. Crawford, of Georgia, and a few others in the senate, infused new vigor into the ranks of the supporters of the administration. It was soon determined that inactivity and indecision should no longer be the policy of the democratic party. For several years, including the latter part of Jefferson's administration, war with England had been contemplated by the executive government of the United States, as a probable event; but we have already seen Mr. Jefferson carefully avoided war measures, and Mr. Madison endeavored to pursue a similar course. The non-intercourse laws and other restrictive measures, it was perceived, were becoming unpopular with the people, a great portion of whom were desirous that this policy should be changed. It was believed by the new leaders of the democratic party in Congress, that efficient measures were now demanded by the people, and that a war with Great Britain would be popular, particularly with the party which sustained the administration.

The first efforts of the members of Congress favorable to a declaration of war with Great Britain, were directed to measures preparatory to the expected contest with that powerful nation. The effects of the policy which had been pursued by Mr. Jefferson, in reducing the army and navy, were now severely felt. For several years preceding this period, the military peace establishment had stood at only about 3,000 men, and the navy consisted at this time of only twenty vessels—ten frigates, and ten sloops-of-war and smaller vessels. The gunboats which had been built in different parts of the United States, about one hundred and fifty in number, were only calculated for harbor defence.

The policy of the administration respecting a standing army and a navy, was now changed, principally through the advice and influence of Mr. Clay, Mr. Calhoun, and Mr. Lowndes, notwithstanding they met with opposition from many of their democratic associates. Bills were passed for augmenting the army, by providing for the enlistment of twenty thousand men; also authorizing the president of the United States to accept of the services of volunteers to the number of fifty thousand men; and providing for the more complete organization of the army; authorizing the president to cause the frigates in ordinary to be repaired, equipped, and put into actual service; and appropriations were made for the purchase of timber and other materials for building additional frigates. The president was also authorized to require of the executives of the several states and territories, the organizing, arming, and equipment of their respective proportions of one hundred thousand militia, and to hold them in readiness to march at a moment's warning; and one million of dollars was appropriated toward defraying the expense of carrying the act into effect.

President Madison was, with much difficulty, brought to acquiesce in

warlike measures of a decisive character. He still hoped that war might be avoided, either by negotiation, or a continuance of restrictive measures on commerce with Great Britain. But he was soon made to understand that a more decided and energetic action on the part of the national government, was determined on, by the ardent democrats whose influence now predominated in Congress. The first presidential term of Mr. Madison was drawing to a close, and the nomination of candidates for president and vice-president, to be supported by the democratic party at the approaching election, was to be made, by a caucus of members of the Congress then in session. The leading republicans of the state of New York who were dissatisfied with Mr. Madison's course, had it then in contemplation to nominate for the presidency, De Witt Clinton, who was then lieutenant-governor of that state, mayor of the city of New York, and high in the confidence of the party. His pretensions were sustained by Gideon Granger, the postmaster-general, and other influential democrats.

In this state of things, Mr. Madison was waited upon by several of the leading republican members of Congress, and informed, in substance, that war with England was now resolved upon by the democratic party, the supporters of his administration; that the people would no longer consent to a dilatory and inefficient course, on the part of the national government; that unless a declaration of war took place previous to the presidential election, the success of the democratic party might be endangered, and the government thrown into the hands of the federalists; that unless Mr. Madison consented to act with his friends, and accede to a declaration of war with Great Britain, neither his nomination nor his re-election to the presidency could be relied on.* Thus situated, Mr. Madison concluded to waive his own objections to the course determined on by his political friends, and to do all he could for the prosecution of a war for which he had no taste; and he pretended to no knowledge of war as a science or profession.

The president did not sustain himself with counsellors adapted to the occasion. His cabinet consisted, at this time, of James Monroe, secretary of state, who succeeded Robert Smith in November, 1811; Albert Gallatin, secretary of the treasury; William Eustis, secretary of war; Paul Hamilton, secretary of the navy; and William Pinkney, attorney-general, who succeeded Cæsar A. Rodney in that office in December, 1811. Of these cabinet officers, Mr. Monroe was the only one of military taste or experience, and he had only performed a limited service in the army of the revolution; Mr. Gallatin was avowedly opposed to the declaration of war; Mr. Eustis, the secretary of war, knew but little of military affairs; and the secretary of the navy had no knowledge of naval affairs to qualify him for his position. The attorney-general, Pinkney, considered the

* This information was derived, by a friend of the writer, from James Fisk, a democratic member of Congress in 1812, and one of a committee who waited on Mr. Madison.

declaration of war premature while government was so entirely unprepared. The postmaster-general, Gideon Granger, not then a cabinet officer, but at the head of a department important for military operations, was disaffected to the president, in party sympathy with senators and others professing, perhaps entertaining, inclinations for the war, but denying that with Madison as leader, it ever could prosper.*

On the 9th of March, 1812, Mr. Madison transmitted to Congress a special message, with certain documents which had been communicated to the executive by John Henry, a native of Ireland, who alleged that he had been employed as a secret agent of the British government, in the New England states, "in intrigues with the disaffected, for the purpose of bringing about resistance to the laws, and eventually, in concert with a British force, of destroying the Union, and forming the eastern part thereof into a political connexion with Great Britain."

John Henry was born a subject of Great Britain. For a while he had resided in this country, and held a commission in the army of the United States. Having left the service, by his own account he resided some time in Vermont, and afterward returned to his natural allegiance, and became a resident of Canada. There, in the beginning of the year 1809, if his own account is to be credited, he was employed by Sir James H. Craig, governor of Canada, to repair to Boston, for the purpose of ascertaining whether the federal politicians of the New England states, particularly those of Massachusetts, were desirous of withdrawing from the Union, and forming a close connexion with Great Britain. Accordingly, in the month of February of that year, he commenced his journey, and after spending some time in Vermont, and passing through New Hampshire, he reached Boston early in the month of March. Having taken his station in the New England capital, he opened his correspondence with his employers in Canada. His first letter is dated March 5, 1809, in which he remarked that it had not thus far appeared necessary for him to discover to any person the object of his visit; nor was it probable that he should find it necessary, for the purpose of gaining a knowledge of the arrangements of the federal party, to avow himself as a regular authorized agent of the British government, even to those who would keep the secret—that he had sufficient means of information to enable him to judge of the proper time for offering the co-operation of Great Britain, and opening a correspondence between the governor-general of British America and disaffected individuals in Massachusetts. Accordingly, he remained unknown at Boston till the 25th of May following, when he wrote to his principals at Quebec, that it would be unnecessary for him, in the existing state of things, and unavailing also, to attempt to carry into effect the original purposes of his mission. He was soon recalled from that mission, and returned to Canada; and in 1811 was in England, peti-

* Ingersoll's History of the War.

tioning the British government for compensation for his services above mentioned. For some cause or other, the ministry declined paying him; but referred him to the governor of Canada, on the ground that they had not discovered any wish on the part of Sir James Craig that Henry's claims for compensation should be referred to the mother-country, and because no allusion was made to any kind of arrangement or agreement that had been made by that officer with him.*

Mr. Sullivan remarks, that "there are many persons who remember John Henry, and that he was in Boston in 1809. But no one ever heard it suggested that he was a British agent. He was said to be engaged in some sort of land speculation; but very few knew or cared how he was employed. He was a handsome, well-behaved man, and was received in some respectable families."

The British minister at Washington, in a letter to Mr. Monroe, the secretary of state, dated the 11th of March, 1812, disclaimed most solemnly, on his own part, having had any knowledge whatever of the existence of such a mission, or of such transactions as the communication of Mr. Henry referred to, and expressed his conviction that, from what he knew of those branches of his majesty's government with which he had intercourse, no countenance whatever was given by them to any schemes hostile to the internal tranquillity of the United States.

The committee on foreign relations, in Congress, to whom the message and documents were referred, in their report, remarked that, "The transaction disclosed by the president's message, presents to the mind of the committee conclusive evidence, that the British government, at a period of peace, and during the most friendly professions, have been deliberately and perfidiously pursuing measures to divide these states, and to involve our citizens in all the guilt of treason, and the horrors of a civil war."

Henry, in this transaction, was accompanied by a foreign adventurer, who called his name Crillon, and claimed the title of count. He went through a long examination before the committee of foreign relations, but his testimony was considered unimportant.

It appears that Henry, after being unsuccessful in England, in urging his claims upon that government, sailed for the United States, and arrived at Boston in December, 1811. He visited Governor Gerry, of Massachusetts, who gave him a letter of introduction to Mr. Madison.

In February, 1812, he made his disclosures to the president, for which he received fifty thousand dollars, which were drawn from the treasury, on account of the secret service fund, in the name of John Graham, chief clerk in the office of secretary of state. Henry left Washington on the 11th of February, and on the 9th of March he sailed for France, in the United States sloop-of-war Wasp.

It is a curious fact, that Henry had been at Washington, had got his

* Dwight's History and Review.

money, and had returned northwardly, and was at Baltimore on the 11th of February, and that his letter of disclosure to James Monroe is dated the 20th of that month, at Philadelphia. It is remarkable that Mr. Madison had these disclosures at least twenty-five days before he made them known to Congress; that when he did so make them known, Henry was actually under sail for France, and, consequently, could not be called on for any explanation.*

The Henry plot proved of no advantage to the administration and its supporters, but had a tendency to increase and extend the feelings of exasperation and enmity toward the government, entertained by a large majority of the New England people, whose characters were assailed by the pretended exposure of Henry, although he did not mention the name of even a solitary person who ever uttered a sentence of disaffection to the Union, or of a wish to form a connexion with Great Britain. Besides a majority of the people of New England, the federal party throughout the Union, and a respectable portion of the democratic party, were opposed to the approaching declaration of war. Still, the leading men among the friends of the administration felt a confidence that the measure was required, and would be sustained, by a majority of the people.

After the return of Mr. Pinkney to the United States, from his mission to England, Mr. Madison appointed Jonathan Russell charge d'affaires of the United States at London. Mr. Russell reached London in November, 1811. On the 14th of February, 1812, he wrote to Mr. Monroe, secretary of state, that at that time there had been exhibited no evidence on the part of the British government to repeal the orders in council. On the 4th of March he wrote to Mr. Monroe, informing him that he had attended the discussions in parliament, on motions by Lord Lansdowne and Mr. Brougham, "and if anything was wanting to prove the inflexible determination of the present ministry to persevere in the orders in council, without modification or relaxation, the declarations of the leading members of administration on these occasions, must place it beyond the possibility of a doubt. Mr. Percival said, 'As England was contending for the defence of her maritime rights, and for the preservation of her national existence, which essentially depended on the maintenance of those rights, she could not be expected, in the prosecution of this great and primary interest, to arrest or vary her course, to listen to the pretensions of neutral nations, or to remove the evils, however they might be regretted, which the imperious policy of the times indirectly and unintentionally extended to them.'

"I no longer entertain a hope that we can honorably avoid war."

On the 30th of May, 1812, Mr. Foster, the British minister at Washington, addressed a long letter to Mr. Monroe, in which he reviewed the whole ground of controversy between the United States and Great Britain.

* Sullivan.

He contends that the Berlin and Milan decrees had not, in fact, been revoked, and concludes as follows:—

"I am commanded, sir, to express, on the part of his royal highness, the prince regent, that while his royal highness entertains the most sincere desire to conciliate America, he yet can never concede that the blockade of May, 1806, could justly be made the foundation, as it avowedly has been, for the decrees of Bonaparte; and further, that the British government must ever consider the principles on which that blockade rested (accompanied as it was by an adequate blockading force), to have been strictly consonant to the established law of nations, and a legitimate instance of the practice which it recognises.

"Secondly, that Great Britain must continue to reject the other spurious doctrines promulgated by France in the duke of Bassano's report, as binding upon all nations. She can not admit, as a true declaration of public law, that free ships make free goods, nor the converse of that proposition, that enemy's ships destroy the character of neutral property in the cargo: she can not consent, by the adoption of such a principle, to deliver absolutely the commerce of France from the pressure of the naval power of Great Britain, and, by the abuse of the neutral flag, to allow her enemy to obtain, without the expense of sustaining a navy, for the trade and property of French subjects, a degree of freedom and security which even the commerce of her own subjects can not find under the protection of the British navy.

"She can not admit, as a principle of public law, that arms and military stores are alone contraband of war, and that ship-timber and naval stores are excluded from that description. Neither can she admit, without retaliation, that the mere fact of commercial intercourse with British ports and subjects should be made a crime in all nations, and that the armies and decrees of France should be directed to enforce a principle so new and unheard-of in war.

"Great Britain feels, that to relinquish her just measures of self-defence and retaliation, would be to surrender the best means of her own preservation and rights; and with them the rights of other nations, so long as France maintains and acts upon such principles."

Such was the state of things between the United States and Great Britain, when it was determined by the friends of the administration in Congress, to declare war. As a prelude to that event, an act was passed on the 4th of April, 1812, laying an embargo on vessels of the United States for the term of ninety days.

On the 20th of April, George Clinton, vice-president of the United States, died at Washington, at the age of seventy-three. The senate had previously elected William H. Crawford president *pro tem.* of that body.

Louisiana was admitted into the Union as a state on the 8th of April, 1812; and by a subsequent act on the 4th of June, the territory before

called Louisiana, was organized under the name of the Missouri territory.

Among other important acts passed at this session, besides the declaration of war were the following: To prohibit the exportation of specie, goods, wares, or merchandise, from the United States during the continuance of the embargo; for the establishment of a general land office in the treasury department; to provide for the surveying of six millions of acres of the public lands, to be set apart and reserved for the purpose of satisfying the bounties of one hundred and sixty acres each promised to the soldiers of the United States by the acts previously passed for augmenting the army; authorizing the issue of five millions of dollars in treasury-notes; imposing one hundred per cent. additional duties on imports; confirming grants to lands in the Mississippi territory, on British or Spanish warrants made prior to October 27, 1795; appropriating an additional sum for the Cumberland road; establishing various postroads; prohibiting American vessels from trading with the enemy; and an act authorizing a subscription for the old six per cent. and deferred stocks, and providing for an exchange of the same. A law was also passed for the apportionment of representatives in Congress according to the census of 1810.

The elections in 1812, in those states where the same were held in the spring, were generally unfavorable to the administration; although the opinion was entertained and expressed, by a large proportion of the people, that Congress would not declare war. The federal party prevailed in the elections in Massachusetts, Rhode Island, Connecticut, and New York; showing a considerable change in favor of that party, compared with the elections of the previous year.

It was with some difficulty that a majority of Congress were induced to vote for the preliminary measures to the declaration of war; but on the question of the embargo, the majority in the house of representatives was twenty-nine votes, in favor of the act.

On the first of June, the president transmitted a special message to Congress, in which he reviewed the difficulties which had occurred in our relations with Great Britain, and those which then existed; describing, in strong language, the aggressions with which we had been visited by that nation. This message was referred to the committee on foreign relations, in the house of representatives, a majority of whom, viz., John C. Calhoun, of South Carolina; Felix Grundy, of Tennessee; John Smilie, of Pennsylvania; John A. Harper, of New Hampshire; Joseph Desha, of Kentucky; and Ebenezer Seaver, of Massachusetts, agreed upon, and reported to the house on the 3d of June, a manifesto, as the basis of a declaration of war. The reasons given by the committee for recommending an immediate appeal to arms were, in substance, as follows: The impressment of American seamen by the commanders of British ships-of-war; the British doctrine and system of blockade; and the adoption and

continuance of the orders in council of that government; which operated extensively to the interruption and injury of the American commerce. To which was added a long and unsatisfied demand for remuneration on account of depredations committed by English subjects on the lawful commerce of the United States.

During the proceedings on the subject of the declaration of war, Congress sat with closed doors. The measure was adopted in the house of representatives by a vote of 79 to 49; but was delayed in the senate for fourteen days after it was submitted to that body, when it finally passed, 19 to 13. At first it was evident that the majority was against war; and a proposition was made, on which the senate were equally divided on the first vote, for granting reprisals against the commerce of Great Britain, by public or private ships of the United States; but after several days of discipline and urging, a majority voted in favor of it. Of the 79 members of the house who voted for the war, 46 resided south, and 33 north, of the Delaware; of the 19 senators who voted on the same side, 14 resided south, and 5 north, of the Delaware. Thus the war may be said to have been a measure of the *south* and *west*, to take care of the interests of the *north*, much against the will of the latter. The whole number of members in both branches, residing north of the Delaware, was 71, of whom only 38 voted for the war.*

The act declaring war was approved by the president on the 18th of June, 1812, and is remarkably short and comprehensive. It was drawn by the attorney-general of the United States, William Pinkney, and is in the words following:—

"*An act declaring war between the United Kingdom of Great Britain and Ireland, and the dependencies thereof, and the United States of America and their territories.*

"*Be it enacted, &c.* That war be, and the same is hereby declared to exist between the United Kingdom of Great Britain and Ireland, and the dependencies thereof, and the United States of America and their territories; and that the president of the United States is hereby authorized to use the whole land and naval force of the United States to carry the same into effect, and to issue to private armed vessels of the United States commissions, or letters of marque and general reprisal, in such form as he shall think proper, and under the seal of the United States, against the vessels, goods, and effects, of the government of the said United Kingdom of Great Britain and Ireland, and the subjects thereof."

On the day following the date of the above act, the president issued his proclamation announcing the fact, and calling upon the people of the United States to sustain the public authorities in the measures to be adopted for obtaining a speedy, a just, and an honorable peace.

Immediately after the declaration of war was announced, a party was

* Sullivan (corrected.)

organized, composed principally of the federalists and some disaffected democrats, under the name of "the peace party." This party endeavored to compel the government to make peace by raising every possible obstruction to the prosecution of the war. This course was considered as more actuated by feelings of party spirit than by patriotism, and many prominent federalists gave the government their support, whenever they found them disposed to carry on the war with vigor and effect.

On the 26th of June, Congress passed an act respecting letters of marque, prizes, and prize goods; and great expectations were entertained of the injuries to be inflicted upon British commerce by our privateers, as well as the profits to be gained thereby, by American adventurers in such enterprises.

There was a great incongruity between appropriations for the war and provision for them, and, without a cent to be raised by taxes, more than fifteen millions of dollars were appropriated for the army, and nearly two millions seven hundred thousand for the navy, when the income by customs and sales of public lands, in 1812, was only about nine millions and a half. The only fiscal measures of the twelfth Congress at the first session, were a loan of eleven millions of dollars, authorized by act of the 14th of March, 1812, doubling the duties on importations, and providing for the issue of five millions of treasury-notes.

The British government had resisted the demand of the American government, for the repeal of the orders in council, from August, 1810, to May, 1812, on the specific ground that the French decree of revocation of the former date was conditional. But upon receiving official intelligence that France had definitively revoked her decrees, the British orders in council were repealed in June, 1812, within five days after the declaration of war by Congress. A little delay on the part of the American government would have removed this ground of controversy, and left nothing for this country to contend for but freedom from impressment. The French emperor had authorized his minister to declare to the American government, that the Berlin and Milan decrees were revoked on the 1st of November, 1810. Upon this annunciation, application was made by our government to that of Great Britain, to follow the example set by France, and repeal their orders in council. This was refused on the part of Great Britain, on the ground that the revocation of the French decrees was not absolute, but was conditional. This question gave rise to repeated and labored discussions between the two governments, the American negotiators maintaining with great zeal that the repeal was absolute, and those of Great Britain contending with equal pertinacity that it was conditional. In the course of a conversation between Mr. Barlow, the American minister in France, with the duke of Bassano, in May, 1812, the duke produced a decree, dated April 28, 1811, more than a year previous, declaring the Berlin and Milan decrees definitively revoked, and to date from the 1st of November, 1810.

Immediately after the act declaring war was passed by Congress, the federal members of the house of representatives who were in the minority on that occasion, published an address to their constituents. It is a paper of great ability, and sets forth the state of the country at that time, the course of the administration, and its supporters in Congress, and the reasons of the minority for opposing the war.

The sentiments and views of the friends of the administration, the advocates of the war, are shown in the remarks of Mr. Clay, speaker of the house of representatives, in a debate on the embargo question, in April, 1812. "Mr. Clay warmly expressed his satisfaction and full approbation of the president's message, and the proposition now before the committee (the embargo). He approved of it, because it is to be viewed as a direct precursor to war. He considered this as a war measure, and as such he should discuss it. Sir, after the pledges we have made, and the stand we have taken, are we now to cover ourselves with shame and indelible disgrace, by retreating from the measures and ground we have taken? He did not think we were upon this occasion in the least embarrassed by the conduct of France in burning our vessels; that may be a subject of future consideration. We have complete evidence as to the enemy whom we have selected. As weak and imbecile as we are, we would combine France if necessary. There is no intrinsic difficulty or terror in the war; there is no terror except what arises from the novelty. Where are we to come in contact with our enemy? On our own continent. If gentlemen please to call these sentiments quixotic, he would say he pitied them for their sense of honor. We know no pains have been spared to vilify the government. If we now proceed we shall be supported by the people. Many of our people have not believed that war is to take place. They have been wilfully blinded. He was willing to give them further notice. It remains for us to say whether we will shrink, or follow up the patriotic conduct of the president. As an American and a member of this house, he felt a pride that the executive had recommended this measure. He said he was at issue with the gentleman from Virginia (Mr. Randolph) as to the public sentiment. That it is with us, is proved by the glowing and patriotic resolutions of fourteen legislatures. He said there was no division in the southern and western states—federalists and republicans were united for war."*

On the 18th of May, 1812, James Madison was nominated for re-election as president of the United States, by a caucus of eighty-two republican members of Congress. The vote in caucus in favor of Mr. Madison was unanimous. John Langdon, of New Hampshire, was nominated for vice-president, but as he declined on account of his advanced age, being then seventy-one years old, Elbridge Gerry, of Massachusetts, received the nomination in his stead, on the 8th of June. The opposing candidate for the

* Niles's Register, vol. v., p. 105.

presidency was De Witt Clinton, who was nominated at a meeting of the republican members of the legislature, on the 29th of May, 1812. Of 91 members present at the caucus, 87 approved of the nomination of Mr. Clinton. The federalists held a convention in the city of New York, in September, 1812, when seventy members were present, from eleven states. It was resolved to support Mr. Clinton, as the best chance of defeating Mr. Madison. Jared Ingersoll, of Pennsylvania, was nominated for vice-president, in opposition to Mr. Gerry.

Congress adjourned on the 6th of July, 1812; previous to which they passed a resolution requesting the president to recommend a day of public humiliation and prayer to be observed by the people of the United States, and the offering of supplications to Almighty God for the safety and welfare of the states, his blessing on their arms, and the speedy restoration of peace. The president therefore issued his proclamation on the 9th of July, recommending the third Thursday in August to be set apart for the above purpose, which day was accordingly observed.

On the 26th of June, or eight days after the declaration of war, Mr. Monroe, secretary of state, wrote to Mr. Russell, chargé des affaires of the United States in England, informing him of the declaration, and authorizing him to propose an armistice to the British government, if the orders in council were repealed, and no illegal blockades substituted for them—also that orders were given to discontinue the impressment of seamen. The British government, through Lord Castlereagh, on the 29th of August, communicated to Mr. Russell their refusal to accede to the proposition of the government of the United States, "as being on various grounds absolutely inadmissible." Mr. Russell therefore demanded and obtained his passports, and left England in September.

When the orders in council were repealed, on the 23d of June, 1812, almost simultaneously with our declaration of war, the expectation in England was so strong of the war being prevented or stopped, that the first step of the British ex-minister to the United States, when he reached Halifax, on his way to England, was to send to the governor-general of Canada, to propose to the American government terms of pacification. Mr. Foster had, no doubt, assured his government that war would never be declared, as the opponents of the measure had encouraged him in the persuasion that it was impossible. And when the British orders in council were repealed, that government had every reason to be confident that it neither could nor would be persevered in. Great Britain was, moreover, at that moment, absorbed by her stupendous struggle with France, and her statesmen had neither time, means, nor thought, to bestow upon a remote and comparatively insignificant conflict on this side of the Atlantic, with an unarmed, unwarlike, and divided people. Nearly seven months therefore elapsed after the declaration of war, before England took any important step of counteraction. The English manifesto was not issued till the

9th of January, 1813. The blockade of the Chesapeake and Delaware was not proclaimed till the 26th of December, 1812. British naval forces on the American coasts and stations did not appear in any formidable numbers till February, 1813, on the 4th of which month and year, Admiral Sir John Borlase Warren, then naval commander-in-chief, took possession of Hampton Roads, in the Chesapsake bay, with two ships-of-the-line, four frigates, and several smaller vessels-of-war. In the spring of the year 1813, the British fleets on the American coasts and stations, from Halifax to Bermuda, consisted of six 74 gunships, 13 frigates, and 18 sloops-of-war; all under the command of Admiral Warren; most of them in the Chesapeake bay, a few in the Delaware bay, and others distributed along the coast. On the 20th of March, 1813, the whole coast of the United States was declared to be in a state of blockade, with the exception of Rhode Island, Massachusetts, and New Hampshire. The object of the exception of several states was obviously to sow dissension among the United States.*

Admiral Warren had arrived at Halifax in September, 1812, and was invested, not only with an extensive naval command, but also with full power to negotiate a provisional accommodation with our government. On the 30th of September, he wrote from Halifax to Mr. Monroe, the secretary of state, that the departure of Mr. Foster from America had devolved on the admiral the charge of making known to the government of the United States the sentiments entertained by the prince regent upon the existing relations of the two countries. The orders in council, he said, ceased to exist nearly at the same time that the United States declared war; on receipt of which declaration, an order in council, dated 31st of July, was issued, to detain American vessels. Under these circumstances, the admiral proposed, as he was directed, the immediate cessation of hostilities between the two countries. Should the American government accede to this proposal for the cessation of hostilities, Admiral Warren was authorized to arrange a revocation of the laws interdicting British commerce and ships-of-war from the harbors and waters of the United States. In default of such revocation, he says, the orders in council of January, 1807, and 1809, were to be revived.

Mr. Monroe's answer to Admiral Warren, dated 27th of October, 1812, informed him that it would be very satisfactory to the president to meet the British government in such arrangements as might terminate, without delay, hostilities, on conditions honorable to both nations. Alluding to the proposition which had been made, through Mr. Russell, for an armistice, which was rejected by the British government, and presuming that it was equally the interest of both countries to adjust the subject of impressment, the president was willing to agree to an armistice, provided Admiral Warren was authorized, and would agree, to negotiate terms by which im-

* Ingersoll.

pressment should be suspended. Experience, it was said, had evinced that no peace could be durable unless that object was provided for. The United States could not admit or acquiesce in the right of impressment during negotiation. The orders in council having been repealed, and no illegal blockades revived or substituted in their stead, and an understanding being obtained on the subject of impressment, the president was willing to agree to a cessation of hostilities, with a view to arrange by treaty every other subject of controversy.

The British government refusing these terms of accommodation, war was continued for the single grievance of impressment, with the English menace that such blockades as the repealed orders in council authorized, that is, illegal blockades, which Lord Melville pronounced impracticable, would also be enforced.

The conditions proffered by our government, through Mr. Russell, their chargé d'affaires in London, when war was declared, were stated by the president, in his annual message to Congress, on the 4th of November, 1812, without reference to the rejected overture from Admiral Warren. They were, repeal of the orders in council, no revival of blockades violating established rules, a stop put to the practice of impressment, and immediate discharge of American seamen from British ships. In return, we proffered an act of Congress, not a mere executive assurance, for the exclusion of British seamen, nay, more, all British natives, from our vessels, provided Great Britain excluded Americans from hers. On these terms an armistice, to prevent hostilities and bloodshed, could be improved into definitive and comprehensive adjustment of all depending controversies. These were reasonable and moderate terms; but which, while England was at war with France, there was little hope she would accept, impressment, if there be any right to it, being a war right, at all events a war need. The terms were rejected as soon as proffered to Great Britain.*

Previous to the arrival of Admiral Warren, another attempt had been made on the British side, to bring about a suspension of hostilities. By the advice of Mr. Foster, the British ex-minister, Sir George Prevost, governor of Canada, in July, 1812, despatched his adjutant-general, Baynes, with a flag of truce, to Greenbush, near Albany, where General Dearborn, of the American army, was stationed, to negotiate with him an armistice, which Dearborn was prevailed upon at once to subscribe. It suspended military operations, excepting General Hull's expedition, till the president's pleasure should be ascertained. This proposal was not made by the British government itself, but only through its colonial agents, and might not be sanctioned in England; besides, it was thought it would give advantages to Great Britain, and, constantly insisting on impressment as a grievance to be removed, Mr. Madison at once refused to confirm the

* Ingersoll.

act of General Dearborn, rejected the proposed armistice, and persevered in hostilities.

It is foreign from the object of this sketch to give a detail of the military and naval events of the war. Under the direction of the federal government the war had its course. Many of the people assisted no further than the laws required, and continued to express a desire that it might soon be brought to an end. The opponents of the war, and those who wished for its termination, constantly increased.

The first military effort after the war began, was attended with defeat and disgrace. A considerable army, under General Hull, invaded Upper Canada, but soon returned to Detroit, which post was shortly afterward attacked by a British army, to whom it was surrendered by the American commander, in August, 1812. Several other disasters attended the American arms on the northern and western frontiers during the first year's campaign, but in some instances the American troops showed great bravery, and evinced that they only required skilful direction, to command success.

Most unexpectedly to the administration and the nation, a series of brilliant exploits attended the small naval establishment of the United States; commencing with the capture of the British frigate Guerriere, by the Constitution, Captain Hull, on the 18th of August, 1812. This was followed on the 18th of October, by the surrender of the British brig Frolic to the American sloop-of-war Wasp, Captain Jones; and on the 25th of the same month, the frigate United States, Captain Decatur, captured the British frigate Macedonian. The Constitution was again successful on the 30th of December, when she was commanded by Commodore Bainbridge, and captured the British frigate Java.

This succession of triumphs completely established the navy in public favor, as well as convinced the administration of its importance, and from that period the democratic party abandoned its opposition to a naval establishment, consenting also to its gradual increase. The additional expenses incurred for this purpose were approved by the federalists, as they had always advocated the policy of a navy.

The presidential election in 1812 resulted in the choice of Mr. Madison as president for another term of four years from the 4th of March, 1813, and of Mr. Gerry as vice-president. The opposing candidates, De Witt Clinton and Jared Ingersoll, received the vote of the state of New York, where a section of the democratic party, as well as most of the federalists, sustained the claims of Mr. Clinton; but in other states their supporters were almost exclusively confined to the federal party. The electoral votes stood as follows: For Madison, 128; Gerry, 131; Clinton, 89; Ingersoll, 86. The elections for members of Congress also resulted in a large majority of the friends of the administration; and thus the policy of the war was sustained by a majority of the people; but it was evi-

dent that the opposition was powerful and increasing, particularly in the eastern and middle states.

Congress assembled on the 2d of November, 1812, and continued in session until the 3d of March, 1813, when their term expired. The principal acts passed related to the army and navy, and to provide means for carrying on the war. Authority was given to the executive for the construction of four ships of seventy-four guns each, six frigates, and six sloops-of-war; to issue five millions of dollars in treasury-notes; and to create a new stock for a loan of sixteen millions of dollars. Laws were also passed for further augmenting the army, and for the more perfect organization of the same; to encourage vaccination among the citizens of the United States generally; prohibiting the employment on board the public or private armed vessels of any seamen except citizens of the United States, or native persons of color, after the termination of the war. The object of the last act, was to induce the British government to come to some arrangement respecting the impressment of seamen. Another act vested in the president the power of retaliation for any violation of the laws and usages of civilized nations, by British officers, or by Indians in alliance with the British government, or those acting under the authority of the said government. An important bill to the commercial interest was also passed, principally through the efforts of Mr. Cheves, of South Carolina, in its behalf, directing the secretary of the treasury to remit certain fines, penalties, and forfeitures; in other words, to cancel the merchants' bonds given for goods seized under the non-importation act, and imported from Great Britain and Ireland after the declaration of war. This bill was opposed by most of the democratic members in the house of representatives, and was carried by the close vote of 64 to 61.

On the 4th of March, 1813, the second term of Mr. Madison commenced, in consequence of his re-election to the presidency. At twelve o'clock on that day, having attended at the capitol, for the purpose of taking the oath of office, he delivered to the vast concourse of people assembled on the occasion, his inaugural address.

Some changes had taken place in Mr. Madison's cabinet, previous to his re-election. On the 12th of January, 1813, William Jones, of Pennsylvania, was appointed secretary of the navy, in place of Paul Hamilton, resigned; and General John Armstrong, having returned from France, was, on the 13th of January, appointed secretary of war, in place of Doctor Eustis, resigned.

The 13th Congress assembled at the capitol on the 24th of May, 1813, in conformity to an act passed the preceding February, and continued in session until the second of August. The democratic majority in the house of representatives was shown in the election of speaker. Henry Clay was again chosen, receiving 89 votes, to 54 for Mr. Pitkin, of Connecticut, a leading federalist, and there were five scattering votes. The majority

therefore, in favor of the administration, and of the policy of the war, was decided, and in the senate the democratic majority was likewise large, but several of the senators of that party were not particularly friendly to the president and his cabinet, and sought on some occasions to embarrass the administration in various measures proposed, as well as on the subject of nominations to office.

On the 8th of March, 1813, the Russian minister at Washington, Mr. Daschkoff, communicated to the American government an offer from the emperor Alexander, of his mediation between the United States and Great Britain, with a view to bring about peace between them. The Russian minister at the same time declared, that the emperor took pleasure in doing justice to the wisdom of the government of the United States, and was convinced that it had done all that it could to prevent the rupture. On the 11th of March, the president formally accepted the Russian mediation, and in a few days afterward appointed Messrs. Albert Gallatin, John Quincy Adams, and James A. Bayard, commissioners or envoys to negotiate a treaty of peace with Great Britain, under the mediation of the emperor of Russia. Messrs. Gallatin and Bayard embarked soon after from Philadelphia, in the ship Neptune, under a flag of truce, to join Mr. Adams in St. Petersburg, and arrived in the Baltic in June following. It was probably owing to the confidential relation between Mr. Adams and the emperor, that the mediation of Russia was tendered; and it appears, by official documents, to have been first suggested to Mr. Adams, at St. Petersburg, by the Russian minister, Romanzoff, on the 20th of September, 1812; before he communicated the same to Mr. Daschkoff, Russian ambassador to the United States.

Mr. Adams was then American minister at the Russian court, having been appointed by Mr. Madison to that mission, in 1809. It was not till October, 1812, that Mr. Adams had information of our war, and not till December, 1812, did he get a duplicate of his despatches from Washington, dated July 1st, 1812, to apprize him of the war declared nearly six months before. Meantime, the French invasion of Russia had been driven back to Poland, where Mr. Barlow, American minister to France, was invited to meet the French emperor at Wilna; on his way to which place he died, at Czarnovitch, the 26th of December, 1812. When there was reason to believe that the coalition, of which Russia and Great Britain were the principal members, would triumph over the French, the Russian emperor proffered his mediation to put a stop to hostilities between the United States and Great Britain, which interrupted American commerce with Russia.*

The Russian mediation was declined by the British government, in September, 1813, but on the 4th of November Lord Castlereagh informed the American government that Great Britain was willing to enter upon a direct negotiation for peace. This proposition was accepted by President

* Ingersoll.

Madison, and Lord Castlereagh was informed that measures would be taken for carrying it into effect, at Gottenburg, in Sweden. The place of meeting was, however, afterward changed to Ghent, in Belgium.

When the nomination of Messrs. Gallatin, Adams, and Bayard, as envoys to negotiate peace, came before the senate, on the 31st of May, 1813, the two latter were confirmed, but Mr. Gallatin was rejected, 18 to 17, on the ground that the offices of envoy extraordinary and secretary of the treasury are incompatible, and ought not to be united in the same person. The president informed the senate that the office of secretary of the treasury was not vacant, but in the absence of Mr. Gallatin the duties of that office were performed by William Jones, secretary of the navy. Mr. Gallatin was afterward nominated, when no longer secretary of the treasury, and confirmed. Several other nominations by the president were rejected by the senate at this session.

The principal business of Congress at this session, was to provide means for paying the interest on loans already authorized, and other matters incident to the war. The financial plan which had been proposed by Mr. Gallatin, secretary of the treasury, to raise the necessary funds, was simply to double the existing duties on imports, as had been done, and by laying the necessary internal taxes, to raise an annual revenue sufficient to pay the ordinary expenses of government, and the interest of such sums as it would become necessary to borrow; and to support the war by a series of loans. But internal taxes were very unpopular, and Congress was slow in imposing them. Mr. Madison was of opinion that the people would not take war and taxation together, and the majority of the twelfth Congress deemed it advisable to refrain from imposing direct taxes, until the presidential election had taken place. Their successors of the thirteenth Congress were therefore called upon to provide the means referred to. This was done by passing acts for the assessment and collection of direct taxes and internal duties; soon followed by acts imposing duties on refined sugars, sales at auction, retailers' licenses, stamps, carriages, licenses to distillers, and a direct tax of three millions of dollars a year.

The national finances at this period, were in a state of much embarrassment. Treasury-notes, issued according to act of Congress, were at a great discount; and although the first loan in 1812 was taken at par for six per cent. stock, the second loan authorized by government was taken on disadvantageous terms for the United States, and all paid in depreciated currency. The banks in the Union had suspended specie payments, excepting a part of those of the New England states. In the early part of 1813, the demands on the public treasury were far greater than had been anticipated, owing to the unfavorable circumstances in which the country was placed, and the improvident course of the administration in carrying on the war. When the militia, particularly of the middle states, were called out, they were not sufficiently armed, and extraordinary ex-

penses were incurred to equip them. There was also a great deficiency of blankets and other clothing for the soldiers, as the importations had been restricted, and the manufacture of woollens was then comparatively small in the United States.

Still, the war served to show the strength of the government, and the patriotism of the citizens. Although a bare majority of the people approved of the war, and probably the majority was desirous of closing it in six months, after the offers of the British government for further negotiations, and the great disasters suffered by the army on the borders of Canada, the administration was supported, or certainly not opposed by any disorderly or violent acts. The power of the federal government proved adequate to the crisis; but the people, in various parts of the nation, complained of the measures of the government, and censured its war policy; and that no formidable opposition appeared, must be attributed to the patriotic feelings of the citizens, and to their conviction of the necessity of order and obedience to all constitutional authority. With a population of a different character from that of the great majority of the people of the United States, and with the freedom they possessed, it would have been difficult to maintain a war, when so great a portion of the nation disapproved of it.*

The invasion of Canada was renewed in the spring of 1813, and General Dearborn, with a small army, crossed Lake Ontario, from Sackett's Harbor, and captured York (now Toronto), in Upper Canada. General Dearborn afterward made another expedition into Canada, with a large body of troops, and took possession of Fort George, at the entrance of the Niagara river into Lake Ontario. The British retreated to Burlington heights, where they were followed by a detachment of American troops under Generals Chandler and Winder. But the latter were surprised by a night attack on their camp, and both of the generals captured, after which the detachment retreated toward Fort George. In the month of January previous, General Winchester, with about 800 men, fought a battle with the British and Indians, at the Maumee rapids, in Ohio, and, after the loss of about 300 men killed in the action, was forced to capitulate to General Proctor. The losses sustained by the United States troops in Canada and on the frontier, in 1812 and 1813, were estimated to amount to 8,500 men, in killed, wounded, and taken prisoners. In September, 1813, the capture of the British fleet on Lake Erie, by the American fleet under Commodore Perry, was followed in October by the defeat of the British and Indians under General Proctor, on the banks of the river Thames, in Upper Canada, by the Americans under General Harrison. In this action Tecumseh, a celebrated Indian chief, was killed, and this victory put an end to the Indian confederacy against the United States, which had been organized by that chief.

Many other engagements and military affairs of minor importance oc-

* Bradford.

curred on the frontiers during the year 1813; and in the southern part of the United States a war with the Creek Indians was brought to a close, in consequence of repeated defeats of the Indians, by the Americans under General Andrew Jackson. The principal naval events were as follows: The capture of the British brig Peacock by the American sloop-of-war Hornet, Captain Lawrence, on the 24th of February; the loss of the United States frigate Chesapeake, which was taken by the British frigate Shannon, on the 18th of June, when Captain Lawrence, who had been promoted to the command of the Chesapeake, was killed, with many of his officers and men; the capture, by the British brig Pelican, of the American brig Argus, Captain Allen, on the 14th of August; and in September, the capture of the British brig Boxer by the American brig Enterprise, Lieutenant Burrows, who was killed in the action.

In the meantime, the Atlantic coast of the United States was closely blockaded by British squadrons, cutting off most of the coasting trade, as well as a large share of the remnant of foreign commerce, and committing various depredations, particularly in Delaware and Chesapeake bays. But the naval efforts of Great Britain on the American seaboard, continued insignificant throughout the year 1813. At the same time, the American privateers were active and successful; nor were the British squadrons enabled to put an entire stop to American commerce. Cotton and other staples of this country were exported in profitable adventures to France, Spain, and elsewhere, and the imports into the United States were larger in amount than might have been expected. Mr. Ingersoll says, that American commercial losses by war did not excessively surpass those which before its declaration were caused to American commerce by English seizures and sequestrations, together with French unlawful depredations.

During the year 1813, the American frigates President, Captain Rodgers, the Congress, Captain Smith, the Essex, Captain Porter, and other vessels-of-war, made long and unmolested cruises, traversing the seas of various quarters of the globe, and making many captures. The Essex proceeded to the Pacific ocean, and in the course of a few months captured, manned, and armed, nine large English vessels, worth two millions of dollars. Captain Porter was for some time commodore of a fleet of his own creation. More than seven hundred British vessels were taken by the American navy and privateers, during the years 1812 and 1813.

The second session of the 13th Congress began on the 6th of December, 1813, and ended on the 18th of April, 1814. Mr. Clay, having been appointed one of the commissioners to negotiate a treaty of peace, resigned his station as speaker of the house, on the 19th of January, and Langdon Cheves, of South Carolina, was elected speaker in his place. Mr. Cheves received 94 votes, Mr. Grundy, of Tennessee, 59, and there were 12 scattering votes. It was understood that Mr. Cheves was preferred and voted

for by the opposition members, and Mr. Grundy by a majority of the friends of the administration.

Messrs. Clay and Russell were added to the commissioners to negotiate a treaty of peace, in January, 1814, and immediately sailed for Europe after their appointment. The commissioners were arranged by the president and senate in the following order: John Quincy Adams, James A. Bayard, Henry Clay, Jonathan Russell, and Albert Gallatin. The four first-named were confirmed as commissioners to proceed to Gottenburg, in January, and Mr. Gallatin in February, 1814. Messrs. Adams, Gallatin, and Bayard, were in St. Petersburg in October and November, 1813.

The first act of a general character passed at this session of Congress, was a law laying an embargo on all ships and vessels within the limits or jurisdiction of the United States, to continue till the first of January, 1815, unless a cessation of hostilities should take place sooner. The provisions of this act were very restrictive and severe, the principal object being to prevent small vessels and boats from supplying the British squadrons on the coast with provisions. It was repealed, however, on the 14th of April following, by the same Congress.

The other acts of the session, besides those authorizing additional loans, related principally to the army and navy, and other matters connected with the prosecution of the war. Soldiers enlisting for five years, or during the war, were to receive a bounty of one hundred dollars each in advance, and twenty-four dollars more, in addition to their regular pay, when discharged from the service. Volunteer corps engaging to serve for five years or during the war, were to receive the same bounty, pay, rations, clothing, and forage, as the regular army. Pensions were granted to the orphans and widows of persons slain in the public or private armed vessels of the United States. One hundred dollars were directed to be paid for each prisoner captured by American privateers and delivered to any agent authorized by the United States to receive prisoners-of-war, and two hundred thousand dollars were appropriated for that purpose. The president was authorized to cause the marine corps to be augmented, by enlisting about seven hundred additional men. An act for calling out the militia, provided for the establishment of courts-martial of their own officers, for the trial of delinquents, in the manner required by the rules of the regular army. This law was deemed severe, and created considerable alarm and dissatisfaction.

During the year 1814, the war was prosecuted with vigor and zeal on both sides. The means for supporting it were augmented by the United States government, in every possible way, although the public credit was much depreciated, and treasury-notes fell as low as seventeen per cent., and the stock for the public loans to thirty per cent. below par. The British, particularly on the ocean, acted with more efficiency than in the two previous years. Their ships-of-war hovered upon our coasts in all

directions, sometimes entering harbors and landing bodies of men, who destroyed the property and excited the alarm of the inhabitants. They took possession of Eastport and Castine, in Maine, which was then under the jurisdiction of Massachusetts, and the want of a sufficient naval force prevented the Americans from dispossessing them.

The peace of Paris, in 1814, released the British fleets and armies which had been so long employed in the wars of Europe, and left the English at liberty to direct their strength against the United States. Some of the veteran troops which had served in the campaigns under the duke of Wellington, were sent across the Atlantic. The armies in Canada were strengthened, and preparations were made to invade the United States from that quarter.

The principal British force in Upper Canada was placed under the command of General Drummond, while the American army on the Niagara frontier was commanded by General Brown. Most of the older American generals had retired from active service, and more efficient officers were now at the head of the troops. On the 3d of July, Generals Scott and Ripley, with 3,000 men, crossed the Niagara river and took Fort Erie, opposite Buffalo. On the 5th, the Americans under those two generals met the British army under General Riall, when a severe battle took place, in which the British were defeated, with the loss of about 500 men, while the total American loss was 338. On the 25th of July the most sanguinary and obstinate battle that occurred during the war was fought a Bridgewater, or Lundy's Lane, near Niagara falls, General Brown com manding the American forces, assisted by Generals Scott and Ripley. The American troops on this occasion numbered less than 4,000, while the British were about 5,000, and their loss was 878 men. The Americans lost 858, and were left in quiet possession of the field; they then retired to Fort Erie, and, Generals Brown and Scott having been wounded, General Gaines arrived and took the command. On the 15th of August, the English, under General Drummond, made an assault upon the fort, but were repulsed with the loss of nearly a thousand men. General Brown having resumed the command, a successful sortie was made from the fort on the 17th of September, soon after which the British, having again lost about 1,000 men in the last affair, retired to Fort George, in expectation of an attack on that place, from another American army. In November Fort Erie was abandoned and destroyed, and the American troops cros sing the river, went into winter quarters at Buffalo and its vicinity.

Meanwhile the English had concentrated an army of over 14,000 men, in Lower Canada, under the command of Sir George Prevost, for the purpose of invading the United States by way of Lake Champlain. The Americans had an army at Plattsburgh, on that lake, commanded by General Macomb. They had also a fleet on the lake, of four armed vessels and ten gunboats and galleys, under the command of Commodore Macdo-

nough. The British fleet, under Commodore Downie, consisted of four armed vessels and thirteen gunboats. The British army arrived before Plattsburgh on the 6th of September, and on the 11th a simultaneous attack was made by land and water, on the American forces. After an action of two hours, the guns of the enemy's squadron were silenced, the larger vessels were captured, three of the gunboats were sunk, and the others escaped down the lake. The battle on the land continued during the day, but after being repulsed three times, in attempting to storm the American works, and witnessing the capture of their fleet, the English retreated about dusk. Their loss in killed, wounded, taken, and deserters, was about 2,500 men.

On the Atlantic coast various events of interest occurred during the year. Among the most important were the affairs on the borders of the Chesapeake bay and the Potomac river. On the 19th of August, a British army of 5,000 men, under General Ross, landed on the Patuxent and commenced a march toward Washington city. The American flotilla under Commodore Barney was abandoned and burnt. Advancing by the way of Bladensburg, the British army was met by a small body of seamen and marines, but the latter were soon overpowered, and the commodore taken prisoner. The enemy then proceeded to Washington, and on the 24th burnt the capitol, the president's house, and other public buildings, after which they retreated to their ships. There were a few regular troops, under General Winder, and some militia regiments, in the vicinity of Washington, but they made but a feeble resistance to the British army, and soon fled. The president, and the secretaries of state, war, and the navy, were in the camp, and narrowly escaped capture, by a timely flight.

A British squadron had in the meantime ascended the Potomac, and on the 29th appeared before Alexandria, and as that city was destitute of any means of defence, the inhabitants were compelled to ransom the place by giving up to the enemy the merchandise on sale in the city, and the shipping at the wharves.

General Ross, after his return to the British fleet with his troops, resolved to lead them to an attack upon Baltimore. But the citizens of that place made extensive preparations for a defence, and the militia of the city and vicinity, forming an army of 15,000 men, were placed under arms, to meet the enemy. The British fleet passed up the Patapsco and bombarded Fort M'Henry, and the army was landed at North point, fourteen miles below Baltimore. Being repulsed in their attack upon Fort M'Henry, and having lost their commander, General Ross, who was killed in a skirmish with a part of the American troops, the British retired to their ships, on the 14th of September, and soon after left the Chesapeake.

On the coasts of New England, British squadrons were constantly kept up; and fleets were also stationed off the harbor of New-York, and in

Delaware bay. The port of Stonington, in Connecticut, was bombarded in August, but the militia being assembled in great numbers for defence, no landing was effected in that quarter by the British troops. During the summer, that part of Maine which lies east of the Penobscot river was occupied by the enemy, and the United States frigate Adams and many merchant vessels lying in the Penobscot river, and others, were destroyed or fell into their hands.

The blockade of the harbors kept a considerable part of the American navy from opportunities of adventuring at sea, but several of the national ships-of-war, and numerous privateers, were still able to elude the vigilance of the enemy and to keep the seas. The actions fought by vessels of the navy and by privateers, were highly creditable to American valor and nautical skill, although sometimes overpowered by superior force. On the 28th of March the frigate Essex was taken in the harbor of Valparaiso, on the Pacific ocean, after a desperate action, by two British vessels, the frigate Phœbe and the Cherub sloop-of-war. The other actions of note this year by the navy, were the capture of the British sloop-of-war Epervier, in the gulf of Mexico, by the new United States sloop-of-war Peacock, and the sloop-of-war Wasp, Captain Blakeley, captured in succession, in the English channel, the Reindeer and Avon, two vessels of similar force with herself. She also made prizes of numerous British merchant vessels.

The United States frigate President, Commodore Decatur, on sailing from the port of New York, in January, 1815, was captured by a British fleet; but the two last naval actions of the war were favorable to the Americans. In February, 1815, the frigate Constitution captured at the same time two vessels-of-war, the Cyane and Levant, off the island of Madeira, and in March the United States sloop-of-war Hornet captured the brig Penguin, off the coast of Brazil.

The last important action of the war was the battle of New Orleans, on the 8th of January, 1815, when General Jackson, with 6,000 men, defeated a British army of 12,000 men under General Packenham. The loss of the British on that occasion was 700 killed and 1,000 wounded; among the former was the commander-in-chief; and the next in command, Generals Gibbs and Keene, were severely wounded. The loss of the Americans was only seven killed and six wounded. The British army withdrew after the action, and retreated to their shipping.

The celebrated Hartford convention was held at the close of the year 1814. The cause and circumstances of that affair were in substance as follows, as stated by the secretary of the convention:—

The situation of the New England states during the year 1814, was in the highest degree critical and dangerous. The services of the militia for two years, had been extremely severe; they were constantly taken from their farms and their ordinary occupations, and in addition to all the

losses which such a state of things must necessarily produce, they were subjected to the hardships and hazards of a camp, and the life of a soldier. In the meantime the United States had withheld all supplies for the maintenance of the militia for the year 1814, both in Massachusetts and Connecticut, and thus forced upon the states the burden of supporting the troops employed in defending their coasts from invasion, and their towns from being sacked and pillaged. And all this time the taxes laid to carry on the war were exacted from those states with the most rigorous promptness. It had become apparent, that if the New England states were rescued from the effects of these calamities at all, it must depend, as far as human means were concerned, upon their own exertions.

In Massachusetts the danger to which the inhabitants near the seacoast were exposed, had spread an alarm through the commonwealth. Early in the year 1814, memorials from a great number of towns, from the interior as well as near the coast, were forwarded to the legislature, praying that body to exert their authority to protect the citizens in their constitutional rights and privileges, and suggesting the expediency of appointing delegates "to meet delegates from such other states as might think proper to appoint them, for the purpose of devising proper measures to procure the united efforts of the commercial states, to obtain such amendments and explanations of the constitution as will secure them from further evils."

These memorials were referred to a joint committee of the senate and house of representatives in Massachusetts, who, although approving of the sentiments of the memorials, reported against the expediency of the proposed convention at that time. The legislature adopted this report in February, 1814, but in October following, resolutions in favor of the convention were adopted, by large majorities, and twelve delegates were appointed, by a vote of 226 to 67, in a convention of both houses of the legislature.

A circular was addressed to the executive magistrates of the other states, to be laid before their respective legislatures, inviting them to appoint delegates to the proposed convention, if they should deem it expedient, and stating the objects of the conference to be to deliberate upon the dangers to which the eastern section was exposed by the course of the war, and to devise, if practicable, means of security and defence which might be consistent with the preservation of their resources from total ruin, and not repugnant to their obligations as members of the Union. It was proposed also, that the convention should deliberate on the subject of amending the constitution of the United States, or of calling a national convention of all the states to effect such amendments as might secure to them equal advantage.

The legislatures of Connecticut and Rhode Island responded to the call, at their October sessions, and appointed delegates, the former seven, the latter four, to meet at Hartford on the 15th of December, 1814. The con

vention assembled at the time appointed, and consisted of twenty-six delegates, of whom three were appointed by local conventions in New Hampshire and Vermont. The proceedings took place with closed doors, but the journal was afterward made public. The convention embodied their views in a report, which was immediately published and extensively circulated. It was a statement of grievances, many of which were real, but which necessarily arose out of a state of war, a recommendation of several amendments to the constitution, and, if circumstances required, a suggestion of another convention, to be held at Boston in June, 1815. As the news of peace arrived soon after the convention adjourned, the causes of disquiet were removed; but as the delegates were all of the federal party, the convention, before and after their meeting, was denounced in the severest terms, by the friends of the administration, as being treasonable to the general government, and the name of the "Hartford convention" became with the democratic party a term of reproach.

Congress had been adjourned to meet on the last Monday of October, but was convened on the 19th of September, 1814, by a special call of the president, and continued in session until the expiration of their term, on the 3d of March, 1815. The great changes in Europe, and the aspect of affairs in the United States, rendered an early meeting of Congress very important. At an early day in the session the president laid before Congress the instructions which had been given the American commissioners appointed to negotiate a treaty of peace, and the correspondence which had taken place on the subject. The commissioners had assembled at Ghent in the month of August, 1814; those appointed by the government of Great Britain, were Lord Gambier, Mr. H. Goulburn, and Mr. Wm. Adams.

By the documents submitted to Congress, it appeared that new terms were proposed, and authority given the American envoys to make peace, without insisting on all the claims and principles before advanced. The spirit and tone of the president's message at this time, were very different from his former communications to Congress. A desire for peace was strongly expressed, and a disposition fully manifested to represent the views of the British cabinet as less hostile than had been formerly stated. He remarked, that "the repeal of the orders in council, and the general pacification in Europe, which withdrew the occasion on which impressments on American vessels were practised, lead to an expectation that peace and amity may be established."

In one of the earliest communications from the commissioners of the United States to those of Great Britain, when the negotiations opened at Ghent, and which was dated the 24th of August, 1814, it is said: "The causes of the war between the United States and Great Britain having disappeared, by the maritime pacification of Europe, the government of the United States does not desire to continue it in defence of abstract principles, which have, for the present, ceased to have any practical effect.

The undersigned have been accordingly instructed to agree to its termination, both parties restoring whatever they may have taken, and both resuming all their rights, in relation to their respective seamen." In the instructions previously given to the commissioners, dated June 27, 1814, the secretary of state, Mr. Monroe said: "On mature consideration, it has been decided, that under all the circumstances above alluded to, incident to a prosecution of the war, you may omit any stipulation on the subject of impressment, if found indispensably necessary to terminate it."

The British commissioners at Ghent, finding the American government anxious for peace, were at first extravagant in their demands, in the points stated as the basis of negotiation. The despatches from the American envoys which were published in October, 1814, gave but little hopes of peace, and the demands of the British government, as understood from their agents at Ghent, excited a feeling of general indignation throughout the Union. Not an individual in the United States, however decidedly he might originally have been opposed to the declaration of war, and to the policy and measures of the administration, could fail of rejecting such extravagant demands as the basis of a treaty of peace. Overlooking what had passed, there was a general determination to resist such a requisition, at every hazard. The demands of the British were, that the Indians should be included in the pacification, and a territory set apart for them, to remain as a permanent barrier between our western settlements and the adjacent British provinces; and that the United States should thereafter keep no armed naval force on the western lakes, nor erect any fortified or military post or establishment on the shores of those lakes, nor maintain those which already existed.

The negotiations between the British and American commissioners related almost exclusively to subjects which had no connexion with the causes of the war. The declaration of war was founded on the orders in council and impressment. The former were repealed within a week from the date of the declaration of war, leaving nothing to contend about but impressment; and the secretary of state, in a letter to the commissioners dated August 11, 1814, said: "It is presumed that either in the mode suggested in my letter of the 25th of June (to refer the matter to a separate negotiation), which is much preferred, or by permitting the treaty to be silent on the subject, as is authorized in the letter of the 27th of June, the question of impressment may be so disposed of as to form no obstacle to a pacification."

The new questions started by the British commissioners, it was seen, rendered the event of peace uncertain as to time, and preparations were made to continue the war with renewed vigor. Various acts of Congress were passed to increase the regular army, and to accept the service of state troops for local defence. The public debt having increased to a vast amount, it was found necessary, even with some probability of a speedy

peace, to increase the taxes in various ways. A new direct tax of six millions was laid; the rate of postage on letters by mail was increased fifty per cent.; duties on sales at auction, on licenses to retail liquors, on distilled spirits, on pleasure carriages, on household furniture, and on watches, were increased; and new duties laid on wares and merchandise manufactured in the United States. These measures were opposed with great earnestness in Congress, especially the bill for six millions of direct taxes. Complaints on this subject were everywhere heard among the people, and increased the general anxiety for peace. A bill was before Congress for several weeks, in November and December, for authorizing the president, on the refusal of the governor of any state to call out the militia when requested, to order subordinate militia officers immediately to march their men as might be directed by the officers of the regular army. It was approved by a majority in the house, but was lost in the senate, after a long debate, by a single vote. The objection to the bill was, that it was in violation of the rights of the militia, and wholly unauthorized by the constitution. One section of the bill also provided for draughting the militia, when they did not voluntarily enlist. The most powerful argument against it, was its direct interference with the privileges of the citizens enrolled in the militia, who were recognised to be so, even by the federal constitution.*

Mr. Monroe, then acting secretary of war, made a report, on the 17th of October, on the subject of filling the ranks of the army, in which he expressed the opinion that it would be necessary to bring into the field, at the next campaign, not less than 100,000 regular troops; to provide for which he proposed that the free male population of the United States be formed into classes of one hundred men each, and each class to furnish a certain number of men for the war, and replace them in the event of casualty, or if any class proved delinquent, the men to be raised by draught on the whole class. The bounty in money allowed to each recruit to be paid to each draught by all the inhabitants within the precinct of the class within which the draught may be made, equally according to property possessed.

This plan was considered a conscription, intended to be equally efficacious with the conscription established in France by Bonaparte. It was opposed as unconstitutional, oppressive, and absurd, and when modified and introduced in the senate, by Mr. Giles, in the form of a bill for raising eighty thousand men, after a long debate, and great efforts by the friends of the administration, the measure could not be carried through Congress, and of course failed.

The secretary of the navy also made a report at the same session, recommending a register and classification of the seamen of the United States, for the purpose of calling them into the public service in succession,

* Bradford.

as occasion might require; in other words, to establish by law what even in Great Britain has never had any higher sanction than that of practice, viz., a system of impressment.

At the same time that plans of conscription and impressment were thus recommended, a bill was introduced into the senate, making further provisions for filling the ranks of the army, which authorized recruiting officers to enlist any free effective able-bodied men, between the age of eighteen and fifty years, and repealed so much of former acts as required the consent in writing of the parent, master, or guardian, to authorize the enlistment of persons under twenty-one years of age. This measure excited great alarm and much feeling in many parts of the country. It was considered as aiming a direct blow at the legislative prerogatives of the several states, as, by the laws of the states, parents have an absolute right to the services of their children while they are minors, and the constitution contains no authority for Congress to interfere in the private concerns of individuals under the jurisdiction of the several states. The legislature of Connecticut being in session when these plans of conscription and enlisting minors were proposed, passed resolutions, nearly unanimously, expressive of their determination to resist them, if adopted by Congress in the form of a law. Fortunately these measures, which were justified by the friends of the administration on the ground that the public exigency required their adoption, were rendered unnecessary by the change of circumstances produced by the return of peace.

Several changes in the cabinet and other principal officers of government, took place in 1814 and 1815. The office of secretary of the treasury being declared vacant by the senate, in consequence of the absence of Mr. Gallatin, as one of the commissioners to negotiate a treaty of peace, George W. Campbell, of Tennessee, was appointed secretary of that department, on the 9th of February, 1814. Ill health compelled Mr. Campbell to resign in September, and Alexander J. Dallas was appointed secretary of the treasury, October 6, 1814. General Armstrong resigned as secretary of war, in September, 1814, and Mr. Monroe, secretary of state, acted as secretary of war until February 28, 1815, when he was recommissioned as secretary of state. William H. Crawford, who had been appointed minister to France on the 9th of April, 1813, on his return from that mission was appointed secretary of war, August 1, 1815. On the 19th of December, 1814, Benjamin W. Crowninshield, of Massachusetts, was appointed secretary of the navy, in place of William Jones, resigned. Gideon Granger, who had held the office of postmaster-general more than twelve years, was removed by Mr. Madison, and Return Jonathan Meigs (governor of Ohio), appointed in his place, on the 17th of March, 1814. Richard Rush, of Pennsylvania, was appointed attorney-general, in place of William Pinkney, resigned, February 10, 1814. Jonathan Russell was nominated as minister to Sweden, and, after some de-

lay, confirmed by the senate on the 18th of January, 1814; at the same time he was confirmed as one of the commissioners to negotiate a treaty of peace with Great Britain. Some of these changes, and those formerly noticed, during the administration of Mr. Madison, occurred in consequence of dissensions and dissatisfaction among the leaders of the democratic party, in Congress and in the cabinet. Mr. Ingersoll says: "Madison was thwarted by a jealous senate. In May, 1813, when he nominated Jonathan Russell as minister to Sweden, the appointment was negatived by the senate on frivolous pretences largely set forth in publications on the subject by William B. Giles, one of the Virginia senators. In November of that year, Mr. De Kantzow arrived at Washington, and then at last Mr. Russell was suffered to pass the senate. The postmaster-general, Granger, was so inimical to Madison, that he found it necessary, in 1814, to remove him from office. The war of 1812, especially as respected the appointing power of the executive, both at home and for foreign service, was much embarrassed and annoyed by members of the war party, whose constituent states supported Madison's administration."

While Congress was passing acts for the vigorous prosecution of the war, the unexpected and welcome intelligence of peace was received at Washington, early in February, 1815. A treaty of peace between the United States and Great Britain was concluded by the commissioners, at Ghent, on the 24th of December, 1814, and, as soon as communicated by the president, was ratified by the senate. It was the occasion of sincere and universal rejoicing, with the exception, perhaps, of contractors, office-holders, and others, who were making great gains by the war, and of course were interested in its continuance. To the administration it was an inexpressible relief; for difficulties and embarrassments had been long gathering and thickening around it. And the people were happy to learn the restoration of peace, the revival of commercial enterprise, and the prospect of a diminution of taxes in future. On the subject of impressment the treaty was silent, and commercial regulations between England and America were referred to negotiations proposed to be resumed at an early day.

A convention was held in London, as proposed at Ghent, early in 1815, to form a commercial treaty. The American commissioners were Messrs. Adams, Gallatin, and Clay; and a treaty was prepared by them and three commissioners on the part of Great Britain, in July, which was soon after ratified by both the contracting parties, to continue for four years. This convention was strictly and almost exclusively of a commercial character; the subject of impressments and of blockades not being noticed by it. And it purported to place the commercial intercourse between the two countries on a perfect reciprocity. In the opinion of most commercial men, the terms of this convention were not more favorable to the maritime rights

and interests of the United States, than those of the treaty made in 1794, by Mr. Jay; or that signed by the American envoys, Monroe and Pinkney, in 1807, which was rejected by President Jefferson without submitting it to the senate.*

Although the immediate effect of the war was in many respects disastrous to the interests of the great body of the people, causing much pecuniary and other distress, and the loss of thousands of valuable lives; also retarding the national prosperity; yet it was not without its advantages, in the salutary results which flowed from the circumstances of this great national event. The restrictive measures of Mr. Jefferson's administration, the reduction of the army and navy, as recommended by that president, and the submission of the United States to the long-continued wrongs and insults of France and Great Britain, had excited throughout Europe a contempt for the American character. There existed a general impression among civilized nations, that the spirit of liberty and independence which had carried America triumphantly through the war of the revolution, was extinguished by a love of gain and commercial enterprise, without courage and resolution sufficient to sustain the national rights. But the war with England dissipated this impression, and inspired respect for a nation that gave so many proofs of ability to cope with the mistress of the seas on her favorite element. The national character, therefore, rose to an eminence in the estimation of foreigners which has ever since been maintained. From the era of the war we may date the origin, or the more rapid growth, of the principal branches of domestic manufactures. Another advantage which accrued from the war, was the impulse given to the spirit of internal improvement, which was forcibly impressed upon the minds of the people from witnessing the disadvantages of the imperfect modes of transportation in existence during that period, before a system of canals, railroads, and other improvements, was in operation. The policy of a standing army and of a navy, adequate to the national defence, has likewise been cherished by the people since the importance of both was proved during the war.

In consequence of the deranged state of the currency and the public credit, the secretary of the treasury, in October, 1814, recommended to Congress the establishment of a national bank. A bill to that effect was accordingly introduced, and passed both houses in January, but was vetoed by the president.

On the 23d of November, 1814, the vice-president of the United States, Elbridge Gerry, died suddenly, while on his way to the capitol in his carriage, having the day before presided in the senate during the whole of a long debate. John Gaillard, of South Carolina, was appointed president of the senate *pro tempore*.

The time which remained of the session after the news of peace was

* Bradford.

received, being less than three weeks, was occupied by Congress in adapting the affairs of the government and country to a condition of peace. The army was reduced to a peace establishment of ten thousand men, and various acts concerning the acceptance of the services of volunteers and state troops, the flotilla service, and non-intercourse, were repealed. The naval establishment, however, was kept up, and an act passed for the protection of American commerce against Algerine cruisers, by authorizing the president to send a squadron to the Mediterranean. Direct taxes were continued, and one hundred thousand dollars was appropriated for the Cumberland road. A resolution was passed requesting the president to recommend a day of thanksgiving for the blessing of peace.

The total expenditures by the United States government during the war, may be stated, in round numbers, at one hundred millions of dollars; and the loss of lives by battles and other casualties incident to the war, has been estimated at thirty thousand persons. The cost of the war and loss of life by the British nation, were much greater. But the greatest disparity in the contest between the two nations was shown in its effects on the ocean. During the short period of less than three years which the war lasted, the Americans captured, on the ocean and lakes, 56 British vessels-of-war, mounting 886 cannon; and 2,360 merchant-vessels, mounting 8,000 guns; of which 345 were ships, 610 brigs, 520 schooners, 135 sloops, and 750 vessels of various classes taken by the Americans and recaptured by the enemy; making altogether 2,416 vessels, with their cargoes, specie, stores, provisions, and equipments, and about thirty thousand prisoners-of-war. Most of these prizes were taken by American privateers, and many of the vessels which could not be brought into port were either burnt or sunk. The number of merchant-vessels which arrived in port or were destroyed, was 1610. Besides this destruction and capture of British property, there were lost by wreck or otherwise, on the American coast, during the war, twenty-nine British ships-of-war, mounting about 800 guns. The American naval losses by British capture were three frigates, viz., the Chesapeake, Essex, and President, two sloops-of-war, six brigs, and fourteen smaller vessels and gunboats, amounting in all to no more than twenty-five vessels-of-war, carrying a total of 350 guns; while the number of American privateers and merchant-vessels captured by the English, although large, was much less than the British loss of similar vessels already stated. The statement of British captures of American vessels, reported by the admiralty office to the house of commons, on the 1st of February, 1815, gives a total of 1,407 merchant-vessels taken or destroyed, exclusive of captures by British privateers, and 20,961 American seamen prisoners-of-war.* The Americans lost during the war, in addition to the above vessels belonging to the navy, the frigate Adams, in Penobscot river, and a new frigate and brig at Washington city, which were

* Niles's Register, vol. ix., p. 325.

destroyed to prevent them from falling into the enemy's hands. The new sloop-of-war Wasp was lost at sea sometime after capturing the British sloops-of-war Reindeer and Avon, in different actions.

In May, 1815, a squadron of nine vessels of the American navy, under Commodore Decatur, sailed for the Mediterranean, for the purpose of punishing the Algerines for their depredations on American commerce; that piratical nation having taken advantage of the war with Great Britain to plunder American vessels, and condemn their crews to slavery, notwithstanding the annual tribute of 23,000 dollars which had been paid their government by the United States, for the preservation of peace, from 1795 to 1812. On the 17th of June the new frigate Guerriere, commanded by Commodore Decatur, fell in with and captured the Algerine frigate Magouda, of 46 guns, after a running fight of twenty minutes, killing 30 men, among whom was the admiral of the fleet, and taking more than 400 prisoners. A piratical brig of 22 guns, with 180 men, was afterward taken, by other vessels of the United States squadron. The American fleet soon appeared before Algiers, when the Algerine vessels-of-war were at sea, and Commodore Decatur dictated such terms as he pleased to the dey, who, on the 30th of June, concluded a treaty with the United States. The terms were of course honorable to the Americans. No tribute was in future to be paid by the United States; all American captives were to be released without ransom, and compensation was made for such vessels and property as had been taken.

The fourteenth Congress held their first session at Washington, from the 4th of December, 1815, to the 30th of April, 1816. The state of parties was similar to that of the thirteenth Congress, the democratic majority in the house being slightly increased, and amounting to about fifty over the federalists. Most of the members had been elected during the war, and the old party distinctions were not long kept up after this period. Mr. Clay, having returned from negotiating the treaty of peace at Ghent, was again returned to the house of representatives by his former constituents of Kentucky, and for the third time he was elected speaker. He received 87 votes, against 32 for other candidates, of which only 10 were given for federalists, although 65 of that party had been elected to the house. This showed that the return of peace had removed any inducement to an organized opposition to the administration. Mr. Gaillard was again elected president of the senate *pro tem.*

At this session, after an able debate on the subject of the direct tax imposed during the war, in which Mr. Clay, the speaker, Mr. Calhoun, Mr. Hopkinson, and other members participated, and in which the whole policy of the war and the conditions of peace were reviewed, a reduction of a portion of the taxes and duties of various kinds was made. The additional rates of postage were abolished, and new rates established; the duties on domestic manufactures, on gold, silver, jewelry, and distilled

spirits, were also abolished or reduced. The direct tax was fixed at three millions, instead of six millions required by a former law. A new tariff of duties on importations was laid, in which the intention was expressed by Mr. Calhoun, Mr. Clay, Mr. Lowndes, and others, to establish a system of protection for American manufactures. The rates fixed were, however, insufficient for that object with regard to many manufactures which had been built up during the war, and were soon prostrated in consequence of the excessive importations of foreign manufactures which took place after the return of peace

Acts were also passed at this session for the gradual increase of the navy; for regulating the rates of foreign coins, and the currency of the United States; for building lighthouses; authorizing the surveying and making a road in Illinois territory; increasing the pay of customhouse officers fifty per cent.; and fixing the pay of members of Congress at fifteen hundred dollars per annum, in lieu of the allowance per diem, as formerly established; but this last law proved to be very unpopular, and was repealed at the next session.

A national bank was incorporated by Congress in April, 1816, with a capital of thirty-five millions of dollars, to continue for twenty years. Although the president had returned with his veto a bill incorporating a bank, passed by the thirteenth Congress, from objections to some of the clauses, he was anxious for the establishment of such an institution; both he and Mr. Clay, the speaker, with others, having changed their views from the experience of the government, during the recent war, which had evinced the want of a national currency. The bill now passed encountered a strong opposition, but received the support of a majority of the democratic party in both houses of Congress, with a portion of the federalists, and it was promptly signed by the president.

The annual sum of two hundred thousand dollars was appropriated for providing arms and military equipments for the militia; acts for the relief of purchasers and settlers on the public lands were also passed, and those of the latter who had not paid for the lands were enabled to obtain titles on payment of a small sum, and causing the same to be registered in the public land office. A system of drawbacks on sugar refined, and spirits distilled from molasses, was adopted; and an important resolution was passed directing the secretary of the treasury to take measures to cause the revenue to be collected and paid in the legal currency of the United States, or treasury-notes, or notes of the new national bank, or in notes of specie-paying banks. The people of Indiana territory were authorized to form a constitution and state government, preparatory to being admitted into the Union. An act passed on the 1st of March, 1816, to give effect to the convention for regulating commerce with England, and repealed all former acts discriminating in favor of goods imported in American vessels over British vessels. An attempt was made in the house to alter the term

of the treaty which had been ratified by the senate, but finally, after a long debate, the house yielded, and passed the bill on the subject which had been adopted by the senate.

The relations of the United States with Spain were again brought under discussion in 1816. The Spanish minister at Washington, as instructed, remonstrated against the claims and occupancy of West Florida by the United States. It was claimed by our government as a part of Louisiana, and five years before they had taken possession of part of the disputed territory, but on the united remonstrance of Spain and France, the American troops were withdrawn. The government of the United States never gave up its claim, and had again occupied a portion of the territory by an armed force. The Spanish minister insisted that this occupancy should be no longer held until negotiations could be had. He also demanded that no intercourse should be allowed between the United States and Mexico, which province was then in a state of revolt. The secretary of state, Mr. Monroe, in reply to the Spanish minister, did not directly impugn the claim of Spain to West Florida, but represented that as it was now separated from the Mexican territory, it was of but little advantage to the Spanish nation, and an exchange of Florida for a part of Louisiana bordering on Texas was suggested. The minister was informed that the United States would preserve a strict neutrality between Spain and her revolted colonies. The question of the boundary of Louisiana was also discussed, but no definite result was arrived at by this correspondence, and a settlement with Spain was reserved for the next administration.

The democratic members of the fourteenth Congress, before the adjournment of the first session, held a caucus for the nomination of a candidate for president, as successor to Mr. Madison, also for vice-president. An attempt was made in the caucus to declare such nomination by members of Congress inexpedient, but it was unsuccessful. It was understood that Mr. Madison and his confidential friends preferred Mr. Monroe to any other candidate to succeed him. Several plans and intrigues were set on foot to defeat this nomination, particularly by those republicans who were opposed to Virginia influence, which state had already given presidents to the Union for twenty-four out of the twenty-eight years during the existence of the government.

Colonel Aaron Burr, who then resided in New York, wrote to his son-in-law, Joseph Alston, ex-governor of South Carolina, on the 20th of November, 1815, informing him that a congressional caucus would soon nominate James Monroe for president of the United States. After denouncing Mr. Monroe as an improper and incompetent candidate, the manner of the nomination as equally exceptionable, and the Virginia domination as odious, Colonel Burr urges upon Governor Alston to take measures to break down the system, by "a respectable nomination of General *Andrew Jackson*, before the proclamation of the Virginia caucus, and Jackson's success,"

he adds, "is inevitable." Governor Alston fully coincided with Colonel Burr in sentiment, but ill health, and grief from family afflictions, prevented his attention to the suggestion.

Governor Tompkins, of New York, had rendered important services and support to the administration and the country during the war. When Mr. Monroe was called to act as secretary of war, in place of General Armstrong, Mr. Madison proposed to Governor Tompkins that Monroe should vacate the office of secretary of state, and that he (Tompkins) should be placed at the head of that department. Although Governor Tompkins felt it his duty to decline the office, alleging as a reason, that he could render more service to the nation as governor of New York, than as a member of the cabinet, he considered that, according to the precedent which had been established, this offer was a commitment on the part of the administration to support him for the next president. The democratic members of the legislature of New York, in February, 1816, instructed their members in Congress to sustain the claims of Tompkins, but it was soon ascertained by those members of Congress that his nomination could not be effected.

The opposition to Mr. Monroe's nomination was finally concentrated on William H. Crawford, of Georgia. He was a native of Virginia, but in early life had emigrated to Georgia, which state he ably represented in the senate, from 1807 to 1813. Although attached to the democratic party, he advocated the recharter of the first bank of the United States, in 1810, and afterward became dissatisfied with what he deemed the indecisive course of Mr. Madison with regard to the difficulties with Great Britain. He voted for the declaration of war, and during the war he was appointed minister to France; on his return thence, he took charge of the war department, as secretary. His friends claimed for him the character of a man of superior intellect and talents, strictly honorable in his political course, and possessing much independence and decision as a statesman.

Every effort having been made by the friends of the two candidates to secure the nomination, the congressional caucus was held on the 16th of March, 1816, and on the ballot for a candidate for president, James Monroe received 65 votes, and William H. Crawford 54; consequently James Monroe was nominated for president. Daniel D. Tompkins received the nomination for vice-president, by 85 votes, against 30 for Simon Snyder, governor of Pennsylvania.

When the election came on, toward the close of the year 1816, Monroe and Tompkins received 183 electoral votes for president and vice-president, and 34 electoral votes were given by the federal party to Rufus King for president, and to several persons for vice-president.

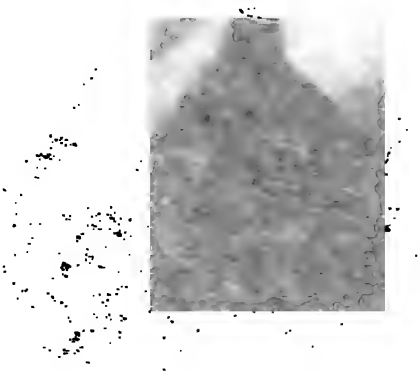
The views of Mr. Madison on subjects of national policy, as developed in his last annual message to Congress, which met on the 2d of December, 1816, and continued until the close of his administration, were considered liberal and important to the interests of the country.

The most important acts passed at this second session of the fourteenth Congress, were as follows:—

An act was passed to provide for paying off the national debt, which at this time exceeded one hundred and twenty millions of dollars, by annual instalments of ten millions. Mr. Lowndes, one of the most able statesmen of South Carolina, and chairman of the committee of ways and means in the house, was the author of this measure, under the operations of which the national debt was finally extinguished. A law was enacted authorizing the secretary of the navy, under the direction of the president, to cause a survey of those public lands which produced live oak and red cedar timber, to be reserved and appropriated for the use of the navy. The navigation laws were revised, so as to give further advantages to vessels of the United States, and no goods or merchandise were allowed to be imported from foreign ports except in American bottoms, or in such foreign vessels as belonged to the country of which the goods were the subject or manufacture. Acts were also passed for the regulation of territories of the United States, by which each of them was allowed to send one delegate to Congress, who should have a right to take part in debate in the house of representatives, but not of voting; for establishing a separate territory by the name of Alabama; to preserve more effectually the neutral relations of the United States; to fix the peace establishment of the marine corps at eight hundred men, including officers; providing for the location of the lands reserved for the Creek Indians; for the punishment of crimes and offences committed within the Indian boundaries; and for the relief of persons imprisoned for debts due to the United States. The state of Indiana having formed a constitution, in conformity to act of Congress, was by joint resolution admitted into the Union on the 11th of December, 1816. The people of the western part of Mississippi territory were authorized to form a constitution, preparatory to admission into the Union as a state.

A bill appropriating the bonus which the United States bank was to pay the government for their charter, to purposes of internal improvement, was passed by both houses, at this session, after an able and full discussion of the constitutionality and expediency of a system of internal improvements by the general government; but was returned to Congress by the president, with his objections, which involved constitutional scruples, and consequently the measure failed to become a law.

The administration of President Madison terminated on the 3d of March, 1817, and he surrendered the affairs of the government into the hands of his friend and associate, Mr. Monroe, with the satisfaction of having seen the nation pass honorably through the trying scenes of a portion of the time while he had been at the head of the republic; and that he could now retire from the cares of office at a time of general peace and prosperity, with the prospect for his country of a bright and glorious career in her destiny as a great and independent nation.



BIOGRAPHICAL SKETCH

OF

JAMES MONROE.

THE family of Monroe is one of the most ancient and honorable among the early settlers of Virginia. It is remarkable that the tide water section of that state has produced four of the first five presidents of the United States; Washington, Jefferson, Madison, and Monroe, having been born in that part of Virginia, and within a few miles of each other. The same section of country, it may be added, was honored also as the birthplace of the biographer of Washington, who for many years was the ornament of the supreme court of the United States—Chief-Justice Marshall.

The fifth president of the United States, James Monroe, was born on the 2d of April, 1759, in the county of Westmoreland, Virginia. His parents were Spence Monroe and Elizabeth Jones, both members of old and highly respectable families in the ancient dominion. His early youth was passed in the midst of that exciting contest which led to the American revolution; the stamp act being passed in the sixth year of his age. He was thus educated in the detestation of tyranny, and prompted by a patriotism which went beyond his years, he left the college of William and Mary, where he was pursuing collegiate studies, to join the standard of his country, in the 18th year of his age. The declaration of independence had just been issued, and at that disastrous moment when Washington was preparing to defend New York, against the increasing armies of England; when the timid and wavering were sinking from the side of their country's chief, James Monroe arrived at headquarters, with a firm determination to share her fate, whether for good or for evil.*

During the gloomy year of 1776, he shared with the army their defeats and their privations; was present at the disastrous battles of Harlem

* For a part of this sketch we are indebted to the American Annual Register, vol. vi., published in 1832.

heights and Whiteplains; and in the battle of Trenton, while leading the vanguard, he received a wound, the scar of which he carried to his grave. After recovering from his wound, he was promoted for his gallantry, to the rank of a captain of infantry, and returned to active service. During the campaigns of 1777 and 1778, he acted as aid to Lord Stirling, and by accepting this place in the staff of that general, he receded from the line of promotion; but in that capacity he distinguished himself in the actions of Brandywine, Germantown, and Monmouth. Becoming desirous to regain his position in the line of the army, he endeavored to raise a regiment of Virginia troops, under the recommendation of General Washington, and the authority of the legislature. In this he failed, owing to the exhausted state of the country. He therefore devoted himself to the study of the law, under the direction of Mr. Jefferson, who was then governor of the state. He occasionally acted as a volunteer in repelling the invasions with which Virginia was afterward visited; and after the fall of Charleston, in 1780, he repaired to the southern army, as a miliiary commissioner, to collect information as to its ability to rescue that portion of the Union from the enemy. This duty was performed to the satisfaction of the governor, by whom he was appointed.

He now commenced his career in the legislative councils of his country, being elected in 1782, by the county of King George, a member of the legislature of Virginia, and by that body shortly after chosen a member of the executive council. He was then only in his twenty-fourth year, but appears to have evinced sufficient tact in legislation to induce the legislature to elect him the following year one of the delegates to represent the state in the continental Congress. He took his seat in that body on the 13th of December, just in time to be present at Annapolis when Washington surrendered his commission into the hands of the authority by whom he had been appointed. From that time until 1786, Mr. Monroe continued to represent his native state in Congress, and became entirely convinced of the inefficiency of that body to govern the country under the articles of confederation. He accordingly sought an extension of its powers, and in 1785 moved to invest Congress with the power of regulating trade. This resolution, together with another in favor of investing it with the power of levying an impost duty of five per cent., were referred to a committee, of which Mr. Monroe was chairman.

A report was made, which combined both the objects, and proposed such alterations in the articles of confederation as were necessary to vest in Congress the powers required. These were among the steps which led to the convention at Annapolis, and consequently to the formation and adoption of the federal constitution. Mr. Monroe was also active and influential in devising a system for disposing of and settling the public lands and warmly opposed the plan of selling each range of townships separately before any other should be offered for sale.

On the 24th of December, 1784, Mr. Monroe was appointed, with eight other highly distinguished men of that period, members of a federal court, to decide the long pending controversy between Massachusetts and New York. He accepted of the appointment, but on the 15th of May, 1786, he resigned his commission, and the two states having, during the same year adjusted the matter by mutual agreement, the court never met.

Mr. Monroe differed from both New York and Massachusetts on the question of relinquishing our right to navigate the Mississippi river, as demanded by Spain and assented to by the northern states. The southern states opposed the relinquishment of this right, and Mr. Monroe took a leading part against any concession to Spain.

While attending the continental Congress, as a member, at New York, Mr. Monroe married Miss Kortright, daughter of Mr. L. Kortright, of that city. This lady had been celebrated in the fashionable circles of London and Paris for her beauty and accomplishments, and in married life she was exemplary, as well as an ornament to the society in which she was called to act during the scenes of her husband's subsequent career.

Toward the conclusion of the year 1786, Mr. Monroe's term of service in Congress expired, and, by the rule then adopted, being ineligible for a second term, he established himself at Fredericksburg, with the view of practising law. He was soon, however, again called from the pursuits of private life, by being elected a member of the legislature, and the following year, 1788, he was chosen a delegate to the state convention, assembled to decide upon the adoption of the federal constitution.

Notwithstanding Mr. Monroe was convinced of the inefficiency of the articles of confederation, and of the necessity of a radical change in the government of the Union, he was not altogether prepared to adopt the federal constitution, as framed by the convention of 1787. He thought that certain amendments ought to be made previous to its adoption, and decidedly advocated that course in the convention. We have already stated, in the memoir of Mr. Madison, that the leading men of Virginia in the state convention, were much divided on the question of the adoption of the constitution. Among those who opposed it in that body, besides Mr. Monroe, were Patrick Henry, George Mason, and William Grayson, while its most powerful advocates were James Madison, John Marshall, Edmund Randolph, and Edmund Pendleton. The convention finally adopted the constitution as it was, by a vote of 89 to 79, Mr. Monroe being among the negatives; certain amendments were at the same time recommended for the adoption of the states, instead of being insisted on previous to the acceptance of the constitution.

The course which Mr. Monroe pursued on this occasion was acceptable to the state of Virginia, as was proved by the election of a majority of anti-federalists to Congress, including the two senators; and on the death of Mr. Grayson, one of the latter, Mr. Monroe was chosen to the

senate of the United States in his place, and took his seat in that body in 1790. In this station he continued until 1794, acting with the anti-federal party in opposition to Washington's administration, as did Mr. Madison and most of the Virginia delegation in Congress. The French republican government having requested the recall of Gouverneur Morris, American minister to France, General Washington complied with their wishes, as also those of the democratic party in Congress, and appointed Mr. Monroe the successor of Mr. Morris, in May, 1794. He was received with distinguished favor in France by the government and people, but the course he pursued during his residence at the capital of that republic was not conformable to the views of neutrality entertained by General Washington, who therefore recalled him in 1796, and sent Charles Cotesworth Pinckney in his place.

On his return to the United States, Mr. Monroe published a volume in explanation of his views and proceedings relative to his mission to France, vindicating his own course, and censuring the policy of the administration toward the French republic.

He, however, did not cherish any animosity toward General Washington, but at a subsequent period he joined with his countrymen in acknowledging the merits and perfect integrity of that great man. He also did ample justice to the character of John Jay, who negotiated his celebrated treaty with Great Britain about the same time that Mr. Monroe visited France. Although opposed to the treaty made by Mr. Jay, and to his political views generally, Mr. Monroe left on record in his own handwriting, an unqualified testimonial to the pure patriotism, the pre-eminent ability, and the spotless integrity of John Jay.

Shortly after his return from France, Mr. Monroe was chosen to the legislature, and in 1799 he was elected by that body governor of Virginia, where he served for the term of three years, then limited by the constitution of the state.

In 1803, President Jefferson appointed Mr. Monroe envoy extraordinary to France, to act jointly with Mr. Livingston, then resident minister at Paris, to negotiate the purchase of New Orleans, or a right of depot for the United States on the Mississippi. He was also associated with Mr. Charles Pinckney, then resident minister at Madrid, to negotiate terms also with Spain relative to Louisiana.

We have, in our notice of Mr. Jefferson's administration, given an account of the purchase of Louisiana by the United States, of France. That country had been ceded by Spain to France, and Mr. Monroe, upon his arrival in France, found a most favorable conjuncture for the accomplishment of the mission, in being enabled to obtain for his country the possession, not only of New Orleans, but of the whole province of Louisiana. The treaty was concluded within a fortnight after the arrival of Mr. Monroe at Paris, and after the conclusion of the negotiation he

proceeded to London, where he was also commissioned to act as successor to Mr. Rufus King, who had resigned.

Here he sought to obtain a conventional arrangement for the protection of American seamen against impressment, and for the protection of neutral rights; but in the midst of these discussions he was called away to the discharge of his mission to Spain.

In the transfer of Louisiana to France by Spain, and to the United States by France, the boundaries of the province were not defined. Spain was encouraged to dispute the extent of the province, and she sought to reduce it to a territory of small dimensions. A controversy arose between the United States and Spain, at one time threatening war, and for the purpose of attempting an adjustment of these difficulties Mr. Monroe proceeded to Madrid. His efforts, joined with those of Mr. Pinckney, were unsuccessful, and the controversy was left unsettled.

Mr. Monroe was then recalled to London to maintain our rights as neutrals, against the systematic encroachment of Great Britain. He was there joined by Mr. William Pinkney, who had then been recently sent from the United States, as minister to England. A whig ministry being then in power in Great Britain, with the friendly feelings of that party toward the United States, Messrs. Monroe and Pinkney were enabled to negotiate a treaty, in 1807, which, although not as favorable as they would have wished, was considered by those envoys as advantageous to the United States. As the treaty was clogged with certain conditions which were deemed by President Jefferson inadmissible, it was not submitted by him to the senate, but sent back to England for revisal. The British cabinet, however, had been changed, and Mr. Canning, the secretary for foreign affairs, refused to resume the negotiation. The mission of Messrs. Monroe and Pinkney was now at an end. Mr. Monroe, after a short detention, in consequence of the difficulty which grew out of the affair of the Chesapeake frigate, returned to the United States in 1807.

For a considerable time Mr. Monroe felt dissatisfied with his friend, President Jefferson, in consequence of his rejection of the treaty with Great Britain without consulting the senate, and also from an impression that the president's influence was exerted in favor of Mr. Madison as his successor to the presidency. Mr. Jefferson, in his correspondence with Mr. Monroe, explained his course with regard to the rejection of the treaty, and declared his intention to remain perfectly neutral between his two friends who were named to succeed him. The Virginia legislature settled their respective claims to the presidency, by deciding in favor of Mr. Madison, in which decision Mr. Monroe and his friends acquiesced.

In 1811 he was again elected governor of Virginia, but continued but a short time in that station, for upon the resignation of Robert Smith, he was appointed by Mr. Madison secretary of state. This office he continued to hold during the remainder of Mr. Madison's administration.

After the capture of Washington city, and the resignation of General Armstrong, Mr. Monroe was appointed to the war department, without, however, resigning as secretary of state. In this station he exhibited a remarkable energy and boldness of character. He found the treasury exhausted, and the public credit prostrated; while the enemy, relieved from his war with France, was preparing to turn his numerous armies, flushed with victory over the legions of Napoleon, against the United States. The first duty of the secretary of war was to prepare for the new campaign, and this he was enabled to do by the now excited spirit of the country. The army already authorized by acts of Congress, if the regiments were full, numbered 60,000 men, which Mr. Monroe proposed to increase by the addition of 40,000, and to levy new recruits by draughting from the whole mass of able-bodied men in the United States. This proposition, which was considered an imitation of the French mode of conscription long practised by Napoleon, and would inevitably have lost him the favor of the people, he felt it to be his duty to make, and had intended, in case of the continuance of the war, to withdraw his name from the presidential canvass. To two or three friends he disclosed his feelings on this occasion, in confidence, and had authorized them to publish his intention of declining a nomination as successor to Mr. Madison, when the conclusion of peace rendered the increase of the army unnecessary, and therefore removed the objections to his being a candidate for president.

Toward the end of the year 1814, Mr. Monroe's attention, as secretary of war, was most urgently called to the defence of New Orleans, against which a powerful fleet and army had been despatched. To raise the funds for the defence of this important point, Mr. Monroe was compelled to pledge his private credit, as subsidiary to that of the government, which then was at a low ebb. By this act of devotion he was enabled to furnish the necessary supplies; New Orleans was successfully defended, and the entire defeat of the British army under General Packenham terminated the war in a manner honorable to the American arms.

A new series of duties now awaited Mr. Monroe. Upon the conclusion of peace he resumed his station in the department of state, and as the long-tried friend and confidential adviser of Mr. Madison, he was called to the arduous task of deciding upon those measures which aimed at the re-establishment of the public credit, and to place the country in a better state of preparation, in case she should be called upon again to assert her rights by an appeal to arms. Our foreign relations, which had been partially suspended during the war, were to be renewed, and the domestic policy of the United States required to be modified so as to adapt it to the great changes which had been produced by the general pacification of Europe In the performance of the arduous duties imposed upon him at this period, Mr. Monroe had the good fortune to be sustained by public opinion, and with that auxiliary he lent his zealous co-operation to Mr. Madison in es-

tablishing the system of internal policy, adopted after the close of the war and continued it with new and enlarged features after his election as president of the United States, in 1817.

In 1816, Mr. Monroe received the nomination of the democratic party, through their representatives in Congress, for president of the United States. With that party he had uniformly acted, under the various names of anti-federal, democratic, and republican, and by them was he elected, in 1816, chief magistrate of the nation, to succeed Mr. Madison, on the 4th of March, 1817. Previous to entering on the duties of his high office, he was advised by General Jackson, with whom he was on the most friendly terms, to disregard former party divisions in the formation of his cabinet, and to use his influence and power to destroy party spirit, by appointing the best men to office, without regard to their political preferences. This course Mr. Monroe declined to pursue, confining his appointments generally, as did his predecessors Jefferson and Madison, to those who professed his own political faith, and excluding federalists from office, with but few exceptions.

In other respects the policy of Mr. Monroe was liberal and satisfactory to men of all parties, excepting, perhaps, the ardent supporters of a system of internal improvements, who regretted the adherence of the president to a strict construction of the constitution on that subject. On many points the policy of Mr. Monroe's administration resembled that of the federal school established in the early stages of the government under the auspices of Washington and Hamilton. The perfecting of the establishment of a national bank, of the plan for the gradual discharge of the public debt, of the system of fortifying the coast and increasing the navy, and of encouraging by adequate protection the manufactures and arts of the country, formed essential parts of the policy referred to, adopted at the close of Mr. Madison's administration, and continued by that of Mr. Monroe. To these measures Mr. Monroe, finally, after long deliberation, and with the entire concurrence of his whole cabinet, sanctioned by repeated demonstrations of Congress, determined to add a system of internal improvement, thus yielding his own scruples to advance the interests of the nation. This was done on the 30th of April, 1824, when the act appropriating $30,000 for the survey of such routes for canals and public roads as the president might direct, received his sanction.

Among the measures which distinguished the administration of Mr. Monroe, was the negotiation of the treaty which added Florida to the Uniten States. This cession secured to the nation all the territory north of Mexico; and it was negotiated with great propriety by one who had borne so conspicuous a part in the acquisition of Louisiana.

In 1817 the president made a tour through a large portion of the northern and middle states, which elicited a general expression of kindness, respect, and courtesy from the people.

Mr Monroe was re-elected president in 1820, with more unanimity than any one since Washington, receiving every vote of the electoral colleges of the United States, except one, and ended his career in the service of the federal government on the 3d of March, 1825. He then retired to his residence in Loudon county, Virginia, where he was shortly after appointed a county magistrate, the duties of which office he continued to discharge until his departure for the city of New York. He was also appointed curator of the university of Virginia; and in 1830, having been elected a member of the convention called to revise the constitution of that state, he was unanimously chosen to preside over its deliberations. Before the close of its labors, however, he was compelled by severe indisposition to retire, and in the succeeding summer removed to New York, to take up his abode with his son-in-law, Mr. Samuel L. Gouverneur. There he remained, surrounded by filial solicitude and tenderness, until, on the fifty-fifth anniversary of the nation's birth (July 4, 1831), he terminated his earthly career, in the 72d year of his age; furnishing another striking coincidence, which, as in the instance of the simultaneous deaths of Adams and Jefferson, on the same day, five years previous, afforded occasion for grave reflection, and seemed pregnant with some mysterious moral lesson to a nation whose attention was thus forcibly directed to the act which, while it gave it birth as an independent community, also served to mark the commencement of a new era in the history of the world.

Mr. Monroe left only two children, both daughters, one the widow of George Hay, Esq., of Richmond, the other the wife of Samuel L. Gouverneur, Esq., of New York. Mrs. Monroe died but a short time before her venerable husband.

Though in the course of his life he had received from the public treasury, for his services, $358,000, he retired from office deeply in debt. He was, however, relieved at last by the adjustment by Congress of his claims, founded chiefly on the disbursements made during the war.

In his personal appearance Mr. Monroe was tall and well formed, being about six feet in stature, with light complexion, and blue eyes. His countenance had no indications of superior intellect, but an honesty and firmness of purpose which commanded respect, and gained favor and friendship. He was laborious and industrious, and doubtless compensated in some degree by diligence, for slowness of thought and want of imagination. His talents, however, were respectable, and he was a fine specimen of the old school of Virginia gentlemen, generous, hospitable, and devoted to his country, which he did not hesitate to serve to the utmost of his ability, through a long life, and his career was highly honorable, useful, and worthy of admiration.

MONROE'S

ADDRESSES AND MESSAGES.

INAUGURAL ADDRESS.

MARCH 5, 1817.

I SHOULD be destitute of feeling if I was not deeply affected by the strong proof which my fellow-citizens have given me of their confidence, in calling me to the high office whose functions I am about to assume. As the expression of their good opinion of my conduct in the public service, I derive from it a gratification which those who are conscious of having done all that they could to merit it can alone feel. My sensibility is increased by a just estimate of the importance of the trust, and of the nature and extent of its duties, with the proper discharge of which the highest interests of a great and free people are intimately connected. Conscious of my own deficiency, I can not enter on these duties without great anxiety for the result. From a just responsibility I will never shrink; calculating with confidence, that in my best efforts to promote the public welfare, my motives will always be duly appreciated, and my conduct be viewed with that candor and indulgence which I have experienced in other stations.

In commencing the duties of the chief executive office, it has been the practice of the distinguished men who have gone before me to explain the principles which would govern them in their respective administrations. In following their venerated example, my attention is naturally drawn to the great causes which have contributed in a principal degree to produce the present happy condition of the United States. They will best explain the nature of our duties, and shed much light on the policy which ought to be pursued in future.

From the commencement of our revolution to the present day, almost forty years have elapsed, and from the establishment of this constitution twenty-eight. Through this whole term, the government has been what may emphatically be called, self-government; and what has been the effect? To whatever object we turn our attention, whether it relates to our foreign or domestic concerns, we find abundant cause to felicitate ourselves in the excellence of our institutions. During a period fraught with difficulties, and marked by very extraordinary events, the United States have flourished beyond example. Their citizens individually have been happy, and the nation prosperous.

Under this constitution, our commerce has been wisely regulated with foreign nations and between the states; new states have been admitted

into our Union; our territory has been enlarged by fair and honorable treaty, and with great advantage to the original states; the states respectively protected by the national government, under a mild parental system, against foreign dangers, and enjoying within their separate spheres, by a wise partition of power, a just proportion of the sovereignty, have improved their police, extended their settlements, and attained a strength and maturity which are the best proofs of wholesome laws well administered. And if we look to the condition of individuals, what a proud spectacle does it exhibit! On whom has oppression fallen in any quarter of our Union? Who has been deprived of any right of person or property? Who restrained from offering his vows, in the mode which he prefers, to the Divine Author of his being? It is well known that all these blessings have been enjoyed in their fullest extent; and I add, with peculiar satisfaction, that there has been no example of a capital punishment being inflicted on any one for the crime of high treason.

Some who might admit the competency of our government to these beneficent duties, might doubt it in trials which put to the test its strength and efficiency as a member of the great community of nations. Here, too, experience has afforded us the most satisfactory proof in its favor. Just as this constitution was put into action, several of the principal states of Europe had become much agitated, and some of them seriously convulsed. Destructive wars ensued, which have of late only been terminated. In the course of these conflicts, the United States received great injury from several of the parties. It was their interest to stand aloof from the contest, to demand justice from the party committing the injury, and to cultivate by a fair and honorable conduct the friendship of all. War became at length inevitable, and the result has shown that our government is equal to that, the greatest of trials, under the most unfavorable circumstances. Of the virtue of the people, and of the heroic exploits of the army, the navy, and the militia, I need not speak.

Such, then, is the happy government under which we live; a government adequate to every purpose for which the social compact is formed; a government elective in all its branches, under which every citizen may by his merit obtain the highest trust recognised by the constitution; which contains within it no cause of discord; none to put at variance one portion of the community with another; a government which protects every citizen in the full enjoyment of his rights, and is able to protect the nation against injustice from foreign powers.

Other considerations of the highest importance admonish us to cherish our Union, and to cling to the government which supports it. Fortunate as we are in our political institutions, we have not been less so in other circumstances on which our prosperity and happiness essentially depend. Situated within the temperate zone, and extending through many degrees of latitude along the Atlantic, the United States enjoy all the varieties of climate, and every production incident to that portion of the globe. Penetrating, internally, to the great lakes and beyond the sources of the great rivers which communicate through our whole interior, no country was ever happier with respect to its domain. Blessed too with a fertile soil, our produce has always been very abundant, leaving, even in years the least favorable, a surplus for the wants of our fellow-men in other countries. Such is our peculiar felicity, that there is not a part of our Union that is not particularly interested in preserving it. The great agricultural interest of the nation prospers under its protection. Local interests are not

less fostered by it. Our fellow-citizens of the north engaged in navigation, find great encouragement in being made the favored carriers of the vast productions of the other portions of the United States, while the inhabitants of these are amply recompensed, in their turn, by the nursery for seamen and naval force thus formed and reared up for the support of our common rights. Our manufactures find a generous encouragement by the policy which patronises domestic industry; and the surplus of our produce, a steady and profitable market by local wants in less favored parts at home.

Such, then, being the highly-favored condition of our country, it is the interest of every citizen to maintain it. What are the dangers which menace us? If any exist, they ought to be ascertained and guarded against.

In explaining my sentiments on this subject it may be asked: What raised us to the present happy state? How did we accomplish the revolution? How remedy the defects of the first instrument of our Union, by infusing into the national government sufficient power for national purposes, without impairing the just rights of the states, or affecting those of individuals? How sustain and pass with glory through the late war? The government has been in the hands of the people. To the people, therefore, and to the faithful and able depositaries of their trust is the credit due. Had the people of the United States been educated in different principles, had they been less intelligent, less independent, or less virtuous, can it be believed that we should have maintained the same steady and consistent career, or been blessed with the same success? While, then, the constituent body retains its present sound and healthful state, everything will be safe. They will choose competent and faithful representatives for every department. It is only when the people become ignorant and corrupt, when they degenerate into a populace, that they are incapable of exercising the sovereignty. Usurpation is then an easy attainment, and a usurper soon found. The people themselves become the willing instruments of their own debasement and ruin. Let us then look to the great cause, and endeavor to preserve it in full force. Let us by all wise and constitutional measures promote intelligence among the people, as the best means of preserving our liberties.

Dangers from abroad are not less deserving of attention. Experiencing the fortune of other nations, the United States may again be involved in war, and it may in that event be the object of the adverse party to overset our government, to break our union, and demolish us as a nation. Our distance from Europe, and the just, moderate, and pacific policy of our government, may form some security against these dangers, but they ought to be anticipated and guarded against. Many of our citizens are engaged in commerce and navigation, and all of them are in a certain degree dependent on their prosperous state. Many are engaged in the fisheries. These interests are exposed to invasion in the wars between other powers, and we should disregard the faithful admonitions of experience if we did not expect it. We must support our rights or lose our character, and with it perhaps our liberties. A people who fail to do it can scarcely be said to hold a place among independent nations. National honor is national property of the highest value. The sentiment in the mind of every citizen is national strength. It ought therefore to be cherished.

To secure us against these dangers, our coast and inland frontiers should be fortified, our army and navy regulated upon just principles as to the force of each, be kept in perfect order, and our militia be placed on

the best practicable footing. To put our extensive coast in such a state of defence as to secure our cities and interior from invasion, will be attended with expense, but the work when finished will be permanent, and it is fair to presume that a single campaign of invasion by a naval force, superior to our own, aided by a few thousand land troops, would expose us to a greater expense, without taking into the estimate the loss of property and distress of our citizens, than would be sufficient for this great work. Our land and naval forces should be moderate, but adequate to the necessary purposes: the former to garrison and preserve our fortifications and to meet the first invasions of a foreign foe, and, while constituting the elements of a greater force, to preserve the science, as well as all the necessary implements of war, in a state to be brought into activity in the event of war; the latter, retained within the limits proper in a state of peace, might aid in maintaining the neutrality of the United States with dignity in the wars of other powers, and in saving the property of their citizens from spoliation. In time of war, with the enlargement of which the great naval resources of the country render it susceptible, and which should be duly fostered in time of peace, it would contribute essentially, both as an auxiliary of defence and as a powerful engine of annoyance, to diminish the calamities of war, and to bring the war to a speedy and honorable termination.

But it ought always to be held prominently in view, that the safety of these states, and of everything dear to a free people, must depend in an eminent degree on the militia. Invasions may be made too formidable to be resisted by any land and naval force which it would comport either with the principles of our government or the circumstances of the United States to maintain. In such cases recourse must be had to the great body of the people, and in a manner to produce the best effect. It is of the highest importance, therefore, that they be so organized and trained as to be prepared for any emergency. The arrangement should be such as to put at the command of the government the ardent patriotism and youthful vigor of the country. If formed on equal and just principles, it can not be oppressive. It is the crisis which makes the pressure, and not the laws which provide a remedy for it. This arrangement should be formed, too, in time of peace, to be the better prepared for war. With such an organization of such a people, the United States have nothing to dread from foreign invasion. At its approach an overwhelming force of gallant men might always be put in motion.

Other interests of high importance will claim attention; among which, the improvement of our country by roads and canals, proceeding always with a constitutional sanction, holds a distinguished place. By thus facilitating the intercourse between the states, we shall add much to the convenience and comfort of our fellow-citizens, much to the ornament of the country, and what is of greater importance, we shall shorten distances, and by making each part more accessible to and dependent on the other, we shall bind the Union more closely together. Nature has done so much for us by intersecting the country with so many great rivers, bays, and lakes, approaching from distant points so near to each other, that the inducement to complete the work seems to be peculiarly strong. A more interesting spectacle was perhaps never seen than is exhibited within the limits of the United States; a territory so vast and advantageously situated, containing objects so grand, so useful, so happily connected in all their parts.

Our manufactures will likewise require the systematic and fostering care of the government. Possessing, as we do, all the raw materials, the fruit of our own soil and industry, we ought not to depend in the degree we have done on supplies from other countries. While we are thus dependent, the sudden event of war, unsought and unexpected, can not fail to plunge us into the most serious difficulties. It is important, too, that the capital which nourishes our manufactures should be domestic, as its influence in that case, instead of exhausting, as it may do in foreign hands, would be felt advantageously on agriculture, and every other branch of industry. Equally important is it to provide at home a market for our raw materials, as by extending the competition it will enhance the price and protect the cultivator against the casualties incident to foreign markets.

With the Indian tribes it is our duty to cultivate friendly relations, and to act with kindness and liberality in all our transactions. Equally proper is it to persevere in our efforts to extend to them the advantages of civilization.

The great amount of our revenue and the flourishing state of the treasury are a full proof of the competency of the national resources for any emergency, as they are of the willingness of our fellow-citizens to bear the burdens which the public necessities require. The vast amount of vacant lands, the value of which daily augments, forms an additional resource of great extent and duration. These resources, besides accomplishing every other necessary purpose, puts it completely in the power of the United States to discharge the national debt at an early period. Peace is the best time for improvement, and preparation of every kind: it is in peace that our commerce flourishes most, that taxes are most easily paid, and that the revenue is most productive.

The executive is charged, officially, in the departments under it, with the disbursement of the public money, and is responsible for the faithful application of it to the purposes for which it is raised. The legislature is the watchful guardian over the public purse. It is its duty to see that the disbursement has been honestly made. To meet the requisite responsibility, every facility should be afforded to the executive, to enable it to bring the public agents intrusted with the public money strictly and promptly to account. Nothing should be presumed against them; but if, with the requisite facilities, the public money is suffered to lie long and uselessly in their hands, they will not be the only defaulters, nor will the demoralizing effect be confined to them. It will evince a relaxation and want of tone in the administration which will be felt by the whole community. I shall do all that I can to secure economy and fidelity in this important branch of the administration, and I doubt not that the legislature will perform its duty with equal zeal. A thorough examination should be regularly made, and I will promote it.

It is particularly gratifying to me to enter on the discharge of these duties at a time when the United States are blessed with peace. It is a state most consistent with their prosperity and happiness. It will be my sincere desire to preserve it, so far as depends on the executive, on just principles with all nations, claiming nothing unreasonable of any, and rendering to each what is its due.

Equally gratifying is it to witness the increased harmony of opinion which pervades our Union. Discord does not belong to our system. Union is recommended, as well by the free and benign principles of our

government, extending its blessings to every individual, as by the other eminent advantages attending it. The American people have encountered together great dangers, and sustained severe trials with success. They constitute one great family with a common interest. Experience has enlightened us on some questions of essential importance to the country. The progress has been slow, dictated by a just reflection and a faithful regard to every interest connected with it. To promote this harmony, in accordance with the principles of our republican government, and in a manner to give them the most complete effect, and to advance, in all other respects, the best interests of our country, will be the object of my constant and zealous exertions.

Never did a government commence under auspices so favorable, nor ever was success so complete. If we look to the history of other nations, ancient or modern, we find no example of a growth so rapid, so gigantic, of a people so prosperous and happy. In contemplating what we have still to perform, the heart of every citizen must expand with joy when he reflects how near our government has approached to perfection; that in respect to it we have no essential improvement to make; that the great object is to preserve it in the essential principles and features which characterize it, and that that is to be done by preserving the virtue and enlightening the minds of the people; and as a security against foreign dangers, to adopt such arrangements as are indispensable to the support of our independence, our rights and liberties. If we persevere in the career in which we have advanced so far, and in the path already traced, we can not fail, under the favor of a gracious Providence, to attain the high destiny which seems to await us.

In the administration of the illustrious men who have preceded me in this high station, with some of whom I have been connected by the closest ties from early life, examples are presented which will always be found highly instructive and useful to their successors. From these I shall endeavor to derive all the advantages which they may afford. Of my immediate predecessor, under whom so important a portion of this great and successful experiment has been made, I shall be pardoned for expressing my earnest wishes that he may long enjoy in his retirement the affections of a grateful country, the best reward of exalted talents and the most faithful and meritorious services. Relying on the aid to be derived from the other departments of government, I enter on the trust to which I have been called by the suffrages of my fellow-citizens, with my fervent prayers to the Almighty that he will be graciously pleased to continue to us that protection which he has already so conspicuously displayed in our favor.

FIRST ANNUAL MESSAGE.

DECEMBER 2, 1817.

Fellow-Citizens of the Senate and House of Representatives:—

AT no period of our political existence had we so much cause to felicitate ourselves at the prosperous and happy condition of our country. The abundant fruits of the earth have filled it with plenty. An extensive and profitable commerce has greatly augmented our revenue. The public

credit has attained an extraordinary elevation. Our preparation for defence, in case of future wars, from which, by the experience of all nations, we ought not to expect to be exempted, are advancing, under a well-digested system, with all the despatch which so important a work will admit. Our free government, founded on the interests and affections of the people, has gained and is daily gaining strength. Local jealousies are rapidly yielding to more generous, enlarged, and enlightened views of national policy. For advantages so numerous and highly important, it is our duty to unite in grateful acknowledgments to that Omnipotent Being from whom they are derived, and in unceasing prayer that he will endow us with virtue and strength to maintain and hand them down, in their utmost purity, to our latest posterity.

I have the satisfaction to inform you that an arrangement which had been commenced by my predecessor, with the British government, for the reduction of the naval force, by Great Britain and the United States, on the lakes, has been concluded; by which it is provided, that neither party shall keep in service on Lake Champlain more than one vessel; on Lake Ontario, more than one; on Lake Erie and the upper lakes, more than two; to be armed, each with one cannon only, and that all the other armed vessels of both parties, of which an exact list is interchanged, shall be dismantled. It is also agreed that the force retained shall be restricted in its duty to the internal purposes of each party; and that the arrangement shall remain in force until six months shall have expired after notice having been given by one of the parties to the other of its desire that it should terminate. By this arrangement, useless expense on both sides, and what is of still greater importance, the danger of collision between armed vessels in those inland waters, which was great, is prevented.

I have the satisfaction also to state, that the commissioners under the fourth article of the treaty of Ghent, to whom it was referred to decide to which party the several islands in the bay of Passamaquoddy belonged, under the treaty of one thousand seven hundred and eighty-three, have agreed in a report, by which all the islands in the possession of each party before the late war have been decreed to it. The commissioners acting under the other articles of the treaty of Ghent, for the settlement of boundaries, have also been engaged in the discharge of their respective duties, but have not yet completed them. The difference which arose between the two governments, under that treaty, respecting the right of the United States to take and cure fish on the coast of the British provinces, north of our limits, which had been secured by the treaty of one thousand seven hundred and eighty-three, is still in negotiation. The proposition made by this government to extend to the colonies of Great Britain the principle of the convention of London, by which the commerce between the ports of the United States and British ports in Europe had been placed on a footing of equality, has been declined by the British government. This subject having been thus amicably discussed between the two governments, and it appearing that the British government is unwilling to depart from its present regulations, it remains for Congress to decide whether they will make any other regulations in consequence thereof for the protection and improvement of our navigation.

The negotiation with Spain, for spoliations on our commerce and the settlements of boundaries, remains essentially in the state it held in the communications that were made to Congress by my predecessor. It has been evidently the policy of the Spanish government to keep the negotia-

tion suspended, and in this the United States have acquiesced, from an amicable disposition toward Spain, and in the expectation that her government would, from a sense of justice, finally accede to such an arrangement as would be equal between the parties. A disposition has been lately shown by the Spanish government to move in the negotiation, which has been met by this government, and should the conciliatory and friendly policy which has invariably guided our councils be reciprocated, a just and satisfactory arrangement may be expected. It is proper, however, to remark that no proposition has yet been made from which such a result can be presumed.

It was anticipated, at an early stage, that the contest between Spain and the colonies would become highly interesting to the United States. It was natural that our citizens should sympathize in events which affected their neighbors. It seemed probable, also, that the prosecution of the conflict, along our coasts and in contiguous countries, would occasionally interrupt our commerce and otherwise affect the persons and property of our citizens. These anticipations have been realized. Such injuries have been received from persons acting under the authority of both the parties, and for which redress has in most instances been withheld. Through every stage of the conflict, the United States have maintained an impartial neutrality, giving aid to neither of the parties in men, money, ships, or munitions of war. They have regarded the contest not in the light of an ordinary insurrection or rebellion, but as a civil war between parties nearly equal, having, as to neutral powers, equal rights. Our ports have been open to both, and every article, the fruit of our soil or of the industry of our citizens, which either was permitted to take, has been equally free to the other. Should the colonies establish their independence, it is proper now to state, that this government neither seeks nor would accept from them any advantage in commerce or otherwise which will not be equally open to all other nations. The colonies will in that event become independent states, free from any obligation to, or connexion with us, which it may not then be their interest to form on the basis of a fair reciprocity.

In the summer of the present year, an expedition was set on foot against East Florida by persons claiming to act under the authority of some of the colonies, who took possession of Amelia island, at the mouth of St. Mary's river, near the boundary of the state of Georgia. As the province lies eastward of the Mississippi, and is bounded by the United States and the ocean on every side, and has been a subject of negotiation with the government of Spain, as an indemnity for losses by spoliation or in exchange for territory of equal value westward of the Mississippi, a fact well known to the world, it excited surprise that any countenance should be given to this measure by any of the colonies. As it would be difficult to reconcile it with the friendly relations existing between the United States and the colonies, a doubt was entertained whether it had been authorized by them or any of them. This doubt has gained strength by the circumstances which have unfolded themselves in the prosecution of the enterprise, which have marked it as a mere private unauthorized adventure. Projected and commenced with an incompetent force, reliance seems to have been placed on what might be drawn, in defiance of our laws, from within our limits; and of late, as their resources have failed, it has assumed a more marked character of unfriendliness to us, the island being made a channel for the illicit introduction of slaves from Africa into the United

States, an asylum for fugitive slaves from the neighboring states, and a port for smuggling of every kind.

A similar establishment was made, at an earlier period, by persons of the same description, in the gulf of Mexico, at a place called Galveston, within the limits of the United States, as we contend, under the cession of Louisiana. This enterprise has been marked in a more signal manner by all the objectionable circumstances which characterized the other, and more particularly by the equipment of privateers which have annoyed our commerce and by smuggling. These establishments, if ever sanctioned by any authority whatever, which is not believed, have abused their trust and forfeited all claims to consideration. A just regard for the rights and interests of the United States required that they should be suppressed, and orders have accordingly been issued to that effect. The imperious considerations which produced this measure will be explained to the parties whom it may in any degree concern.

To obtain correct information on every subject in which the United States are interested; to inspire just sentiments in all persons in authority, on either side, of our friendly disposition, so far as it may comport with an impartial neutrality, and to secure proper respect to our commerce in every port and from every flag, it has been thought proper to send a ship-of-war, with three distinguished citizens, along the southern coast, with instructions to touch at such ports as they may find most expedient for these purposes. With the existing authorities, with those in the possession of and exercising the sovereignty, must the communication be held; from them alone can redress for past injuries committed by persons acting under them be obtained; by them alone can the commission of the like in future be prevented.

Our relations with the other powers of Europe have experienced no essential change since the last session. In our intercourse with each, due attention continues to be paid to the protection of our commerce, and to every other object in which the United States are interested. A strong hope is entertained, that by adhering to the maxims of a just, a candid, and friendly policy, we may long preserve amicable relations with all the powers of Europe, on conditions advantageous and honorable to our country.

With the Barbary states and the Indian tribes, our pacific relations have been preserved.

In calling your attention to the internal concerns of our country, the view which they exhibit is peculiarly gratifying. The payments which have been made into the treasury show the very productive state of the public revenue. After satisfying the appropriations made by law for the support of the civil government and of the military and naval establishments, embracing suitable provision for fortification and for the gradual increase of the navy, paying the interest of the public debt, and extinguishing more than eighteen millions of the principal, within the present year, it is estimated that a balance of more than six millions of dollars will remain in the treasury on the first day of January, applicable to the current service of the ensuing year.

The payments into the treasury during the year one thousand eight hundred and eighteen, on account of imports and tonnage, resulting principally from duties which have accrued in the present year, may be fairly estimated at twenty millions of dollars; internal revenues, at two millions five hundred thousand; public lands, at one million five hundred

thousand; bank dividends and incidental receipts, at five hundred thousand· making, in the whole, twenty-four millions and five hundred thousand dollars.

The annual permanent expenditure for the support of the civil govern ment, and of the army and navy, as now established by law, amounts to eleven millions eight hundred thousand dollars; and for the sinking fund to ten millions; making, in the whole, twenty-one millions eight hundred thousand dollars; leaving an annual excess of revenue, beyond the expenditure, of two millions seven hundred thousand dollars, exclusive of the balance estimated to be in the treasury on the first day of January, one thousand eight hundred and eighteen.

In the present state of the treasury, the whole of the Louisiana debt may be redeemed in the year 1819; after which, if the public debt continues as it now is, above par, there will be annually about five millions of the sinking fund unexpended, until the year 1825, when the loan of 1812 and the stock created by funding treasury-notes will be redeemable.

It is also estimated that the Mississippi stock will be discharged during the year 1819 from the proceeds of the public lands assigned to that object, after which the receipts from those lands will annually add to the public revenue the sum of one million five hundred thousand dollars, making the permanent annual revenue amount to twenty-six millions of dollars, and leaving an annual excess of revenue, after the year 1819, beyond the permanent authorized expenditure, of more than four millions of dollars.

By the last returns to the department of war, the militia force of the several states may be estimated at eight hundred thousand men, infantry, artillery, and cavalry. Great part of this force is armed, and measures are taken to arm the whole. An improvement in the organization and discipline of the militia is one of the great objects which claims the unremitted attention of Congress.

The regular force amounts nearly to the number required by law, and is stationed along the Atlantic and inland frontiers.

Of the naval force, it has been necessary to maintain strong squadrons in the Mediterranean and in the gulf of Mexico.

From several of the Indian tribes inhabiting the country bordering on Lake Erie, purchases have been made of lands on conditions very favorable to the United States, and it is presumed not less so to the tribes themselves.

By these purchases the Indian title, with moderate reservations, has been extinguished to the whole of the land within the state of Ohio, and to a great part of that in Michigan territory and of the state of Indiana. From the Cherokee tribe a tract has been purchased in the state of Georgia, and an arrangement made by which, in exchange for lands beyond the Mississippi, a great part if not the whole of the land belonging to the tribe, eastward of that river, in the states of North Carolina, Georgia, and Tennessee, and in the Alabama territory, will soon be acquired. By these acquisitions, and others that may reasonably be expected soon to follow, we shall be enabled to extend our settlements from the inhabited parts of the state of Ohio, along Lake Erie, into the Michigan territory, and to connect our settlements, by degrees, through the state of Indiana and the Illinois territory, to that of Missouri. A similar and equally advantageous effect will soon be produced to the south, through the whole extent of the states and territory which border on the waters emptying into the Missis-

sippi and the Mobile. In this progress, which the rights of nature demand and nothing can prevent, marking a growth rapid and gigantic, it is our duty to make new efforts for the preservation, improvement, and civilization of the native inhabitants. The hunter state can exist only in the vast uncultivated desert. It yields to the more dense and compact form and greater force of civilized population; and of right it ought to yield, for the earth was given to mankind to support the greatest number of which it is capable, and no tribe or people have a right to withhold from the wants of others more than is necessary for their own support and comfort. It is gratifying to know that the reservation of land made by the treaties with the tribes on Lake Erie, were made with a view to individual ownership among them, and to the cultivation of the soil by all, and that an annual stipend has been pledged to supply their other wants. It will merit the consideration of Congress, whether other provision not stipulated by the treaty ought to be made for these tribes, and for the advancement of the liberal and humane policy of the United States toward all the tribes within our limits, and more particularly for their improvement in the arts of civilized life.

Among the advantages incident to these purchases, and to those which have preceded, the security which may thereby be afforded to our inland frontiers, is peculiarly important. With a strong barrier, consisting of our own people, thus planted on the lakes, the Mississippi, and the Mobile, with the protection to be derived from the regular force, Indian hostilities, if they do not altogether cease, will henceforth lose their terror. Fortifications in those quarters to any extent will not be necessary, and the expense attending them may be saved. A people accustomed to the use of firearms only, as the Indian tribes are, will shun even moderate works which are defended by cannon. Great fortifications will therefore be requisite only in future along the coast, and at some points in the interior connected with it. On these will the safety of towns and the commerce of our great rivers, from the bay of Fundy to the Mississippi, depend. On these, therefore, should the utmost attention, skill, and labor be bestowed.

A considerable and rapid augmentation in the value of all the public lands, proceeding from these and other obvious causes, may henceforward be expected. The difficulties attending early emigrations will be dissipated even in the most remote parts. Several new states have been admitted into our Union to the west and south, and territorial governments, happily organized, established over every other portion in which there is vacant land for sale. In terminating Indian hostilities, as must soon be done, in a formidable shape at least, the emigration which has heretofore been great will probably increase, and the demand for land and the augmentation in its value be in like proportion. The great increase in our population throughout the Union will alone produce an important effect, and in no quarter will it be so sensibly felt as in those in contemplation. The public lands are a public stock, which ought to be disposed of to the best advantage for the nation. The nation should, therefore, derive the profit proceeding from the continual rise in their value. Every encouragement should be given to the emigrants, consistent with a fair competition between them, but that competition should operate in the first sale to the advantage of the nation rather than of individuals. Great capitalists will derive all the benefit incident to their superior wealth under any mode of sale which may be adopted. But if, looking forward to the rise in the

value of the public lands, they should have the opportunity of amassing at a low price, vast bodies in their hands, the profit will accrue to them, and not to the public. They would also have the power, in that degree, to control the emigration and settlement in such a manner as their opinion of their respective interests might dictate. I submit this subject to the consideration of Congress, that such further provision may be made on the sale of the public lands, with a view to the public interest, should any be deemed expedient, as in their judgment may be best adapted to the object.

When we consider the vast extent of territory within the United States, the great amount and value of its productions, the connexion of its parts, and other circumstances on which their prosperity and happiness depend, we can not fail to entertain a high sense of the advantage to be derived from the facility which may be afforded in the intercourse between them, by means of good roads and canals. Never did a country of such vast extent offer equal inducements to improvements of this kind, nor ever were consequences of such magnitude involved in them. As this subject was acted on by Congress at the last session, and there may be a disposition to revive it at present, I have brought it into view for the purpose of communicating my sentiments on a very important circumstance connected with it, with that freedom and candor which a regard for the public interest and a proper respect for Congress require. A difference of opinion has existed, from the first formation of our constitution to the present time, among our most enlightened and virtuous citizens, respecting the right of Congress to establish such a system of improvement. Taking into view the trust with which I am now honored, it would be improper, after what has passed, that this discussion should be revived with an uncertainty of my opinion respecting the right. Disregarding early impressions, I have bestowed on the subject all the deliberation which its great importance, and a just sense of my duty, required, and the result is a settled conviction in my mind that Congress do not possess the right. It is not contained in any of the specified powers granted to Congress, nor can I consider it incidental to, or a necessary means, viewed on the most liberal scale, for carrying into effect any of the powers which are specifically granted. In communicating this result, I can not resist the obligation which I feel, to suggest to Congress the propriety of recommending to the states an adoption of an amendment to the constitution, which shall give to Congress the right in question. In cases of doubtful construction, especially of such vital interest, it comports with the nature and origin of our republican institutions, and will contribute much to preserve them, to apply to our constituents for an explicit grant of the power. We may confidently rely, that if it appears to their satisfaction that the power is necessary, it will be granted.

In this case I am happy to observe, that experience has afforded the most ample proof of its utility, and that the benign spirit of conciliation and harmony which now manifests itself throughout our Union promises to such a recommendation the most prompt and favorable result. I think proper to suggest, also, in case this measure is adopted, that it be recommended to the states to include in the amendment sought a right in Congress to institute, likewise, seminaries of learning, for the all-important purpose of diffusing knowledge among our fellow-citizens throughout the United States.

Our manufactories will require the continued attention of Congress.

The capital employed in them is considerable, and the knowledge required in the machinery and fabric of all the most useful manufactures is of great value. Their preservation, which depends on due encouragement, is connected with the high interests of the nation.

Although the progress of the public buildings has been as favorable as circumstances have permitted, it is to be regretted the capitol is not yet in a state to receive you. There is good cause to presume that the two wings, the only parts as yet commenced, will be prepared for that purpose the next session. The time seems now to have arrived when this subject may be deemed worthy the attention of Congress, on a scale adequate to national purposes. The completion of the middle building will be necessary to the convenient accommodation of Congress, of the committees, and various officers belonging to it. It is evident that the other public buildings are altogether insufficient for the accommodation of the several executive departments; some of whom are much crowded and even subject to the necessity of obtaining it in private buildings, at some distance from the head of the department, and with inconvenience to the management of the public business. Most nations have taken an interest and a pride in the improvement and ornament of their metropolis, and none were more conspicuous in that respect than the ancient republics. The policy which dictated the establishment of a permanent residence for the national government, and the spirit in which it was commenced and has been prosecuted, show that such improvement was thought worthy the attention of this nation. Its central position, between the northern and southern extremes of our Union, and its approach to the west at the head of a great navigable river which interlocks with the western waters, prove the wisdom of the councils which established it.

Nothing appears to be more reasonable and proper, than that convenient accommodation should be provided, on a well-digested plan for the heads of the several departments, and for the attorney-general; and it is believed that the public ground in the city, applied to these objects, will be found amply sufficient. I submit this subject to the consideration of Congress, that such provision may be made in it as to them may seem proper.

In contemplating the happy situation of the United States, our attention is drawn, with peculiar interest, to the surviving officers and soldiers of our revolutionary army, who so eminently contributed, by their services, to lay its foundation. Most of those very meritorious citizens have paid the debt of nature and gone to repose. It is believed, that among the survivors, there are some not provided for by existing laws, who are reduced to indigence and even to real distress. These men have a claim on the gratitude of their country, and it will do honor to their country to provide for them. The lapse of a few years more, and the opportunity will be for ever lost; indeed, so long already has been the interval, that the number to be benefited by any provision which may be made will not be great.

It appearing in a satisfactory manner that the revenue arising from imposts and tonnage, and from the sale of public lands, will be fully adequate to the support of the civil government, of the present military and naval establishments, including the annual augmentation of the latter to the extent provided for, to the payment of the interest on the public debt, and to the extinguishment of it at the times authorized, without the aid of the internal taxes, I consider it my duty to recommend to Congress their repeal. To impose taxes when the public exigencies require them,

is an obligation of the most sacred character, especially with a free people. The faithful fulfilment of it is among the highest proofs of their virtue and capacity for self-government. To dispense with taxes, when it may be done with perfect safety, is equally the duty of their representatives. In this instance, we have the satisfaction to know that they were imposed when the demand was imperious, and have been sustained with exemplary fidelity. I have to add, that however gratifying it may be to me, regarding the prosperous and happy condition of our country, to recommend the repeal of these taxes at this time, I shall, nevertheless, be attentive to events, and, should any future emergency occur, be not less prompt to suggest such measures and burdens as may then be requisite and proper.

SECOND ANNUAL MESSAGE.

NOVEMBER 17, 1818.

Fellow-Citizens of the Senate and House of Representatives:—

THE auspicious circumstances under which you will commence the duties of the present session will lighten the burden inseparable from the high trusts committed to you. The fruits of the earth have been unusually abundant, commerce has flourished, the revenue has exceeded the most favorable anticipation, and peace and amity are preserved with foreign nations on conditions just and honorable to our country. For these inestimable blessings we can not but be grateful to that Providence which watches over the destinies of nations.

As the term limited for the operation of the commercial convention with Great Britain will expire early in the month of July next, and it was deemed important that there should be no interval during which that portion of our commerce which was provided for by that convention should not be regulated, either by arrangement between the two governments or by the authority of Congress, the minister of the United States at London was instructed, early in the last summer, to invite the attention of the British government to the subject, with a view to that object. He was instructed to propose, also, that the negotiation which it was wished to open might extend to the general commerce of the two countries, and to every other interest and unsettled difference between them; particularly to those relating to impressment, the fisheries, and boundaries, in the hope that an arrangement might be made on principles of reciprocal advantage, which might comprehend and provide in a satisfactory manner for all these high concerns. I have the satisfaction to state that the proposal was received by the British government in the spirit which prompted it, and that a negotiation has been opened at London, embracing all these objects. On full consideration of the great extent and magnitude of the trust, it was thought proper to commit it to not less than two of our distinguished citizens, and in consequence, the envoy extraordinary and minister plenipotentiary of the United States at Paris has been associated with our envoy extraordinary and minister plenipotentiary at London, to both of whom corresponding instructions have been given, and they are now engaged in the discharge of its duties. It is proper to add,

hat to prevent any inconvenience resulting from the delay to a negotiation on so many important subjects, it was agreed before entering on it that the existing convention should be continued for a term not less than eight years.

Our relations with Spain remain nearly in the state in which they were at the close of the last session. The convention of 1802, providing for the adjustment of a certain portion of the claims of our citizens for injuries sustained by spoliation, and so long suspended by the Spanish government, has at length been ratified by it; but no arrangement has yet been made for the payment of another portion of like claims, not less extensive or well founded, or for other classes of claims, or for the settlement of boundaries. These subjects have again been brought under consideration in both countries, but no agreement has been entered into respecting them. In the meantime, events have occurred which clearly prove the ill effect of the policy which that government has so long pursued, on the friendly relations of the two countries, which it is presumed is at least of as much importance to Spain as to the United States to maintain. A state of things has existed in the Floridas, the tendency of which has been obvious to all who have paid the slightest attention to the progress of affairs in that quarter. Throughout the whole of those provinces to which the Spanish title extends, the government of Spain has scarcely been felt. Its authority has been confined almost exclusively to the walls of Pensacola and St. Augustine, within which only small garrisons have been maintained. Adventurers from every country, fugitives from justice, and absconding slaves have found an asylum there. Several tribes of Indians, strong in the number of their warriors, remarkable for their ferocity, and whose settlements extend to our limits, inhabit those provinces. These different hordes of people, connected together, disregarding, on the one side, the authority of Spain, and protected on the other by an imaginary line which separates Florida from the United States, have violated our laws prohibiting the introduction of slaves, have practised various frauds on our revenue, and committed every kind of outrage on our peaceable citizens which their proximity to us enabled them to perpetrate. The invasion of Amelia island last year by a small band of adventurers, not exceeding one hundred and fifty in number, who wrested it from the inconsiderable Spanish force stationed there, and held it several months, during which a single effort only was made to recover it, which failed, clearly proves how completely extinct the Spanish authority had become, as the conduct of those adventurers while in possession of the island, as distinctly shows the pernicious purposes for which their combination had been formed.

This country had in fact become the theatre of every species of lawless adventure. With little population of its own, the Spanish authority almost extinct, and the colonial governments in a state of revolution, having no pretensions to it, and sufficiently employed in their own concerns, it was in a great measure derelict, and the object of cupidity to every adventurer. A system of bucaniering was rapidly organizing over it, which menaced, in its consequences, the lawful commerce of every nation, and particularly of the United States, while it presented a temptation to every people on whose seduction its success principally depended. In regard to the United States, the pernicious effect of this unlawful combination was not confined to the ocean; the Indian tribes have constituted the effective force in Florida. With these tribes these adventurers had formed at an early period a connexion, with a view to avail themselves of that

force to promote their own projects of accumulation and aggrandizement. It is to the interference of some of these adventurers, in misrepresenting the claims and titles of the Indians to land, and in practising on their savage propensities, that the Seminole war is principally to be traced. Men who thus connect themselves with savage communities, and stimulate them to war, which is always attended on their part with acts of barbarity the most shocking, deserve to be viewed in a worse light than the savages. They would certainly have no claim to an immunity from the punishment which, according to the rules of warfare practised by the savages, might justly be inflicted on the savages themselves.

If the embarrassments of Spain prevented her from making an indemnity to our citizens for so long a time from her treasury, for their losses by spoliation and otherwise, it was always in her power to have provided it by the cession of this territory. Of this her government has been repeatedly apprized, and the cession was the more to have been anticipated, as Spain must have known that in ceding it she would in effect cede what had become of little value to her, and would likewise relieve herself from the important obligation secured by the treaty of 1795, and all other compromitments respecting it. If the United States, from consideration of these embarrassments, declined pressing their claims in a spirit of hostility, the motive ought at least to have been duly appreciated by the government of Spain. It is well known to her government that other powers have made to the United States an indemnity for like losses sustained by their citizens at the same epoch.

There is, nevertheless, a limit beyond which this spirit of amity and forbearance can in no instance be justified. If it was proper to rely on amicable negotiations for an indemnity for losses, it would not have been so to have permitted the inability of Spain to fulfil her engagements, and to sustain her authority in the Floridas, to be perverted by foreign adventurers and savages to purposes so destructive to the lives of our fellow-citizens, and the highest interests of the United States. The right of self-defence never ceases. It is among the most sacred and alike necessary to nations and individuals; and whether the attack be made by Spain herself, or by those who abuse her power, its obligation is not the less strong. The invaders of Amelia island had assumed a popular and respected title, under which they might approach and wound us. As their object was distinctly seen, and the duty imposed on the executive by an existing law was profoundly felt, that mask was not permitted to protect them. It was thought incumbent on the United States to suppress the establishment, and it was accordingly done. The combination in Florida for the unlawful purposes stated, the acts perpetrated by that combination, and, above all, the incitement of the Indians to massacre our fellow-citizens of every age and of both sexes, merited a like treatment and received it. In pursuing these savages to an imaginary line in the woods, it would have been the height of folly to have suffered that line to protect them. Had that been done, the war would never cease. Even if the territory had been exclusively that of Spain, and her power complete over it, we had a right, by the law of nations, to follow the enemy on it, and to subdue him there. But the territory belonged, in a certain sense at least, to the savage enemy who inhabited it; the power of Spain had ceased to exist over it, and protection was sought under her title by those who had committed on our citizens hostilities which she was bound by treaty to have prevented, but had not the power to prevent. To have stopped at

that line would have given new encouragement to these savages, and new vigor to the whole combination existing there in the prosecution of all its pernicious purposes.

In suppressing the establishment at Amelia island, no unfriendliness was manifested toward Spain, because the post was taken from a force which had wrested it from her. The measure, it is true, was not adopted in concert with the Spanish government, or those in authority under it, because, in transactions connected with the war in which Spain and her colonies are engaged, it was thought proper, in doing justice to the United States, to maintain a strict impartiality toward both of the belligerent parties without consulting or acting in concert with either. It gives me pleasure to state that the government of Buenos Ayres and Venezuela, whose names were assumed, have explicitly disclaimed all participation in those measures, and even the knowledge of them until communicated by this government, and have also expressed their satisfaction that a course of proceeding had been suppressed which, if justly imputable to them, would dishonor their cause.

In authorizing Major-General Jackson to enter Florida in pursuit of the Seminoles, care was taken not to encroach on the rights of Spain. I regret to have to add, that in executing this order facts were disclosed respecting the conduct of the officers of Spain in authority there, in encouraging the war, furnishing munitions of war and other supplies to carry it on, and in other acts not less marked, which evinced their participation in the hostile purposes of that combination, and justified the confidence with which it inspired the savages that by those officers they would be protected. A conduct so incompatible with the friendly relations existing between the two countries, particularly with the positive obligation of the fifth article of the treaty of 1795, by which Spain was bound to restrain, even by force, those savages from acts of hostility against the United States, could not fail to excite surprise. The commanding general was convinced that he should fail in his object, that he should in effect accomplish nothing, if he did not deprive those savages of the resource on which they had calculated, and of the protection on which they had relied, in making the war. As all the documents relating to this occurrence will be laid before Congress, it is not necessary to enter into further detail respecting it.

Although the reasons which induced Major-General Jackson to take these posts were duly appreciated, there was nevertheless no hesitation in deciding on the course which it became the government to pursue. As there was reason to believe that the commanders of these posts had violated their instructions, there was no disposition to impute to their government a conduct so unprovoked and hostile. An order was in consequence issued to the general in command there, to deliver the posts; Pensacola unconditionally, to any person duly authorized to receive it, and St. Marks, which is in the heart of the Indian country, on the arrival of a competent force to defend it against those savages and their associates.

In entering Florida to suppress this combination, no idea was entertained of hostility to Spain, and however justifiable the commanding general was, in consequence of the misconduct of the Spanish officers, in entering St. Marks and Pensacola, to determine it by proving to the savages and their associates that they could not be protected even there, yet the amicable relations existing between the United States and Spain could not be altered by that act alone. By ordering the restitution of the posts those

relations were preserved. To a change of them the power of the executive is deemed incompetent; it is vested in Congress only.

By this measure, so promptly taken, due respect was shown to the government of Spain. The misconduct of her officers has not been imputed to her. She was enabled to review with candor her relations with the United States and her own situation, particularly in respect to the territory in question, with the dangers inseparable from it; and regarding the losses we have sustained for which indemnity has been so long withheld, and the injuries we have suffered through that territory, and her means of redress, she was likewise enabled to take with honor the course best calculated to do justice to the United States and to promote her own welfare.

Copies of the instructions to the commanding general; of his correspondence with the secretary of war, explaining his motives and justifying his conduct, with a copy of the proceedings of the courts-martial in the trial of Arbuthnot and Ambristie; and of the correspondence between the secretary of state and the minister plenipotentiary of Spain near this government; and of the minister plenipotentiary of the United States at Madrid, with the government of Spain, will be laid before Congress.

The civil war which has so long prevailed between Spain and the provinces in South America still continues without any prospect of its speedy termination. The information respecting the condition of those countries, which has been collected by the commissioners recently returned from thence, will be laid before Congress in copies of their reports, with such other information as has been received from other agents of the United States.

It appears, from these communications, that the government of Buenos Ayres declared itself independent in July, 1816, having previously exercised the power of an independent government, though in the name of the king of Spain, from the year 1810; that the Banda Oriental, Entre Reos, and Paraguay, with the city of Santa Fe, all of which are also independent, are unconnected with the present government of Buenos Ayres; that Chili has declared itself independent and is closely connected with Buenos Ayres; that Venezuela has also declared itself independent, and now maintains the conflict with various success; and that the remaining parts of South America, except Montevideo, and such other portions of the eastern bank of the La Plata as are held by Portugal, are still in possession of Spain or in a certain degree under her influence.

By a circular note addressed by the ministers of Spain to the allied powers, with whom they are accredited, it appears that the allies have undertaken to mediate between Spain and the South American provinces, and that the manner and extent of their interposition would be settled by a congress which was to have met at Aix-la-Chapelle in September last. From the general policy and course of proceedings observed by the allied powers, in regard to this contest, it is inferred that they will confine their interposition to the expression of their sentiments, abstaining from the application of force. I state this impression that force will not be applied, with the greatest satisfaction, because it is a course more consistent with justice, and likewise authorizes a hope that the calamities of the war will be confined to the parties only, and will be of shorter duration.

From the view taken of this subject, founded on all the information that we have been able to obtain, there is good cause to be satisfied with the course heretofore pursued by the United States with regard to this contest, and to conclude that it is proper to adhere to it, especially in the present state of affairs.

have great satisfaction in stating that our relations with France, Russia, and other powers, continue on the most friendly basis.

In our domestic concerns we have ample cause of satisfaction. The receipts into the treasury during the first three quarters of the year have exceeded seventeen millions of dollars.

After satisfying all the demands which have been made under existing appropriations, including the final extinction of the old six per cent. stock, and the redemption of a moiety of the Louisiana debt, it is estimated that there will remain in the treasury, on the first day of January next, more than two millions of dollars.

It is ascertained that the gross revenue which has accrued from the customs during the same period amounts to twenty-one millions of dollars, and that the revenue of the whole year may be estimated at not less than twenty-six millions. The sale of the public lands during the year has also greatly exceeded, both in quantity and price, that of any former year, and there is just reason to expect a progressive improvement in that source of revenue.

It is gratifying to know, that although the annual expenditure has been increased, by the act of the last session of Congress providing for revolutionary pensions, to an amount about equal to the proceeds of the internal duties which were then repealed, the revenue for the ensuing year will be proportionably augmented, and that while the public expenditure will probably remain stationary, each successive year will add to the national resources by the ordinary increase of population, and by the gradual development of our latent sources of national prosperity.

The strict execution of the revenue laws, resulting principally from the salutary provisions of the act of the 20th of April last amending the several collection laws, has, it is presumed, secured to domestic manufactures all the relief that can be derived from the duties which have been imposed upon foreign merchandise for their protection. Under the influence of this relief, several branches of this important national interest have assumed greater activity, and although it is hoped that others will gradually revive and ultimately triumph over every obstacle, yet the expediency of granting further protection is submitted to your consideration.

The measures of defence authorized by existing laws have been pursued with the zeal and activity due to so important an object, and with all the despatch practicable in so extensive and great an undertaking. The survey of our maritime and inland frontiers has been continued, and at the points where it was decided to erect fortifications the work has been commenced, and in some instances considerable progress has been made In compliance with resolutions of the last session, the board of commissioners were directed to examine in a particular manner the parts of the coast therein designated, and to report their opinion of the most suitable sites for two naval depots. This work is in a train of execution. The opinion of the board on this subject, with a plan of all the works necessary to a general system of defence, so far as it has been formed, will be laid before Congress, in a report from the proper department, as soon as it can be prepared.

In conformity with the appropriations of the last session, treaties have been formed with the Quapaw tribe of Indians, inhabiting the country on the Arkansas, and with the Great and Little Osages north of the White river; with the tribes in the state of Indiana; with the several tribes within the state of Ohio and the Michigan territory; and with the Chick-

asaws; by which very extensive cessions of territory have been made to the United States. Negotiations are now depending with the tribes in the Illinois territory, and with the Choctaws, by which it is expected that other extensive cessions will be made. I take great interest in stating that the cessions already made, which are considered so important to the United States, have been obtained on conditions very satisfactory to the Indians.

With a view to the security of our inland frontiers, it has been thought expedient to establish strong posts at the mouth of the Yellowstone river, and at the Mandan village on the Missouri, and at the mouth of St. Peter's on the Mississippi, at no great distance from our northern boundaries. It can hardly be presumed, while such posts are maintained in the rear of the Indian tribes, that they will venture to attack our peaceable inhabitants. A strong hope is entertained that this measure will likewise be productive of much good to the tribes themselves; especially in promoting the great object of their civilization. Experience has clearly demonstrated that independent savage communities can not long exist within the limits of a civilized population. The progress of the latter has almost invariably terminated in the extinction of the former, especially of the tribes belonging to our portion of this hemisphere, among whom loftiness of sentiment and gallantry in action have been conspicuous. To civilize them, and even to prevent their extinction, it seems to be indispensable that their independence as communities should cease, and that the control of the United States over them should be complete and undisputed. The hunter state will then be more easily abandoned, and recourse will be had to the acquisition and culture of land, and to other pursuits tending to dissolve the ties which connect them together as a savage community, and to give a new character to every individual. I present this subject to the consideration of Congress, on the presumption that it may be found expedient and practicable to adopt some benevolent provisions, having these objects in view, relative to the tribes within our settlements.

It has been necessary during the present year to maintain a strong naval force in the Mediterranean and the gulf of Mexico, and to send some public ships along the southern coast and to the Pacific ocean. By these means amicable relations with the Barbary powers have been preserved, our commerce has been protected, and our rights respected. The augmentation of our navy is advancing with a steady progress toward the limit contemplated by law.

I communicate with great satisfaction the accession of another state, Illinois, to our Union; because I perceive, from the proof afforded by the additions already made, the regular progress and sure consummation of a policy of which history affords no example, and of which the good effect can not be too highly estimated. By extending our government, on the principles of our constitution, over the vast territory within our limits, on the lakes and the Mississippi and its numerous streams, new life and vigor are infused into every part of our system. By increasing the number of the states, the confidence of the state governments in their own security is increased, and their jealousy of the national government proportionably diminished. The impracticability of one consolidated government for this great and growing nation will be more apparent and will be universally admitted. Incapable of exercising local authority, except for general purposes, the general government will no longer be dreaded. In those cases of a local nature, and for all the great purposes for which it was insti-

ited, its authority will be cherished. Each government will acquire new force and a greater freedom of action within its proper sphere. Other inestimable advantages will follow. Our produce will be augmented to an incalculable amount in articles of the greatest value for domestic use and foreign commerce. Our navigation will in like degree be increased, and as the shipping of the Atlantic states will be employed in the transportation of the vast produce of the western country, even those parts of the United States which are the most remote from each other will be further bound together by the strongest ties which mutual interest can create.

The situation of this district, it is thought, requires the attention of Congress. By the constitution, the power of legislation is exclusively vested in the Congress of the United States. In the exercise of this power, in which the people have no participation, Congress legislate, in all cases, directly on the local concerns of the district. As this is a departure, for a special purpose, from the general principles of our system, it may merit consideration whether an arrangement better adapted to the principles of our government, and to the particular interest of the people, may not be devised, which will never infringe the constitution nor affect the object which the provision in question was intended to secure. The growing population, already considerable, and the increasing business of the district, which it is believed already interferes with the deliberations of Congress on great national concerns, furnish additional motives for recommending this subject to your consideration.

When we view the great blessings with which our country has been favored, those which we now enjoy, and the means which we possess of handing them down unimpaired to our latest posterity, our attention is irresistibly drawn to the source from whence they flow. Let us then unite in offering our most grateful acknowledgments for these blessings to the Divine Author of all good.

THIRD ANNUAL MESSAGE.

DECEMBER 7, 1819.

Fellow-Citizens of the Senate and House of Representatives:—

THE public buildings being advanced to a stage to afford accommodation to Congress, I offer you my sincere congratulation on the recommencement of your duties in the capitol.

In bringing to view the incidents most deserving attention which have occurred since your last session, I regret to have to state that several of our principal cities have suffered by sickness, that an unusual drought has prevailed in the middle and western states, and that a derangement has been felt in some of our moneyed institutions which has proportionally affected their credit. I am happy, however, to have it in my power to assure you that the health of our cities is now completely restored; that the produce of the year, though less abundant, will not only be amply sufficient for home consumption, but afford a large surplus for the supply of the wants of other nations: that the derangement in the circulating paper medium, by being left to those remedies which its obvious causes suggested and the good sense and virtue of our fellow-citizens supplied, has diminished.

Having informed Congress, on the 27th of February last, that a treaty of amity and settlement of limits had been concluded in this city between the United States and Spain, and ratified by the competent authorities of the former, full confidence was entertained that it would have been ratified by his catholic majesty with equal promptitude, and a like earnest desire to terminate on the conditions of that treaty the differences which had so long existed between the two countries. Every view which the subject admitted of was thought to have justified this conclusion. Great losses had been sustained by citizens of the United States from the Spanish cruisers, more than twenty years before, which had not been redressed These losses had been acknowledged and provided for by a treaty as far back as the year 1802, which, although concluded at Madrid, was not then ratified by the government of Spain, nor since, until the last year, when it was suspended by the late treaty, a more satisfactory provision to both parties, as was presumed, having been made for them. Other differences had arisen in this long interval, affecting their highest interests, which were likewise provided for by this last treaty. The treaty itself was formed on great consideration, and a thorough knowledge of all circumstances, the subject-matter of every article having been for years under discussion, and repeated references having been made by the minister of Spain to this government, on the points respecting which the greatest difference of opinion prevailed. It was formed by a minister duly authorized for the purpose, who had represented his government in the United States, and been employed in this long-protracted discussion several years, and who, it is not denied, kept strictly within the letter of his instructions. The faith of Spain was therefore pledged, under circumstances of peculiar force and solemnity, for its ratification. On the part of the United States this treaty was evidently acceded to in a spirit of conciliation and concession. The indemnity for injuries and losses so long before sustained, and now again acknowledged and provided for, was to be paid by them without becoming a charge on the treasury of Spain. For territory ceded by Spain, other territory of great value, to which our claim was believed to be well founded, was ceded by the United States, and in a quarter more interesting to her. This cession was nevertheless received as the means of indemnifying our citizens in a considerable sum, the presumed amount of their losses. Other considerations of great weight urged the cession of the territory by Spain. It was surrounded by the territories of the United States on every side except on that of the ocean. Spain had lost its authority over it, and falling into the hands of adventurers connected with savages, it was made the means of unceasing annoyance and injury to our Union in many of its most essential interests. By this cession, then, Spain ceded a territory in reality of no value to her, and obtained concessions of the highest importance by the settlement of long-standing differences with the United States affecting their respective claims and limits, and likewise relieved herself of the obligation of a treaty relating to it which she has failed to fulfil, and also from the responsibility incident to the most flagrant and pernicious abuses of her rights where she could not support her authority.

It being known that the treaty was formed under these circumstances, not a doubt was entertained that his catholic majesty would have ratified it without delay. I regret to have to state that this reasonable expectation has been disappointed; and the treaty was not ratified within the time stipulated, and has not been ratified. As it is important that the na

ture and character of this unexpected occurrence should be distinctly understood, I think it my duty to communicate to you all the facts and circumstances in my possession relating to it.

Anxious to prevent any future disagreement with Spain, by giving the most prompt effect to the treaty which had been thus concluded, and particularly by the establishment of a government in Florida which should preserve order there, the minister of the United States who had been recently appointed to his catholic majesty, and to whom the ratification by his government had been committed to be exchanged for that of Spain, was instructed to transmit the latter to the department of state as soon as obtained, by a public ship subjected to his order for the purpose. Unexpected delay occurring in the ratification by Spain, he requested to be informed of the cause. It was stated in reply that the great importance of the subject, and a desire to obtain explanations on certain points which were not specified, had produced the delay and that an envoy would be despatched to the United States to obtain such explanations of this government. The minister of the United States offered to give full explanation on any point on which it might be desired; which proposal was declined. Having communicated this result to the department of state in August last, he was instructed, notwithstanding the surprise and disappointment which it produced, to inform the government of Spain, that if the treaty should be ratified and transmitted here at any time before the meeting of Congress it would be received and have the same effect as if it had been ratified in due time. This order was executed, the authorized communication was made to the government of Spain, and by its answer, which has just been received, we are officially made acquainted, for the first time, with the causes which have prevented the ratification of the treaty by his catholic majesty. It is alleged by the minister of Spain that this government had attempted to alter one of the principal articles of the treaty by a declaration which the minister of the United States had been ordered to present, when he should deliver the ratification by his government in exchange for that of Spain; and of which he gave notice, explanatory of the sense in which that article was understood. It is further alleged that this government had recently tolerated or protected an expedition from the United States against the province of Texas. These two imputed acts are stated as the reasons which have induced his catholic majesty to withhold his ratification from the treaty, to obtain explanations respecting which it is repeated that an envoy would be forthwith despatched to the United States. How far these allegations will justify the conduct of the government of Spain will appear on a view of the following facts; and the evidence which supports them.

It will be seen by the documents transmitted herewith that the declaration mentioned relates to a clause in the eighth article concerning certain grants of land recently made by his catholic majesty in Florida, which it was understood had conveyed all the lands which till then had been ungranted; it was the intention of these parties to annul these latter grants, and that clause was drawn for that express purpose and for no other. The date of these grants was unknown, but it was understood to be posterior to that inserted in the article; indeed it must be obvious to all, that if that provision in the treaty had not the effect of annulling these grants, it would be altogether nugatory. Immediately after the treaty was concluded and ratified by this government, an intimation was received that these grants were of anterior date to that fixed on by the treaty, and

that they would not of course be affected by it. The mere possibility of such a case, so inconsistent with the intention of the parties and the meaning of the article, induced this government to demand an explanation on the subject which was immediately granted, and which corresponds with this statement. With respect to the other act alleged, that this government tolerated or protected an expedition against Texas, it is utterly without foundation. Every discountenance has invariably been given to every such attempt within the limits of the United States, as is fully evinced by the acts of the government and the proceedings of the courts. There being cause, however, to apprehend, in the course of the last summer, that some adventurers entertained views of the kind suggested, the attention of the constituted authorities in that quarter was immediately drawn to them, and it is known that the project, whatever it might be, has utterly failed.

These facts will, it is presumed, satisfy every impartial mind that the government of Spain has no justifiable cause for declining to ratify the treaty. A treaty concluded in conformity with instructions is obligatory, in good faith, in all its stipulations, according to the true intent and meaning of the parties. Each party is bound to ratify it. If either could set aside, without the consent of the other, there would no longer be any rules applicable to such transactions between nations. By this proceeding, the government of Spain has rendered to the United States a new and very serious injury. It has been stated that a minister would be sent to ask certain explanations of this government. But if such were desired, why were they not asked within the time limited for the ratification? Is it contemplated to open a new negotiation respecting any of the articles or conditions of the treaty? If that were done, to what consequences might it not lead? At what time and in what manner would a new negotiation terminate? By this proceeding, Spain has formed a relation between the two countries which will justify any measures on the part of the United States which a strong sense of injury and a proper regard for the rights and interests of the nation may dictate.

In the course to be pursued, these objects should be constantly held in view and have their due weight. Our national honor must be maintained, and a new and distinguished proof be afforded of that regard for justice and moderation which has invariably governed the councils of this free people. It must be obvious to all, that if the United States had been desirous of making conquests, or had been even willing to aggrandize themselves in that way, they could have had no inducement to form this treaty. They would have much cause of gratulation at the course which has been pursued by Spain. An ample field for ambition is open before them. But such a career is not consistent with the principles of their government nor the interests of the nation.

From a full view of all circumstances, it is submitted to the consideration of Congress whether it will not be proper for the United States to carry the conditions of the treaty into effect in the same manner as if it had been ratified by Spain, claiming on their part all its advantages, and yielding to Spain those secured to her. By pursuing this course, we shall rest on the sacred ground of right, sanctioned in the most solemn manner by Spain herself by a treaty which she was bound to ratify; for refusing to do which she must incur the censure of other nations, even those most friendly to her; while, by confining ourselves within that limit, we can not fail to obtain their well-merited approbation. We must have peace

on a frontier where we have been so long disturbed; our citizens must be indemnified for losses so long since sustained, and for which indemnity has been so unjustly withheld from them. Accomplishing these great objects, we obtain all that is desirable.

But his catholic majesty has twice declared his determination to send a minister to the United States, to ask explanations on certain points, and to give them respecting his delay to ratify the treaty. Shall we act by taking the ceded territory and proceeding to execute the other conditions of the treaty before this minister arrives and is heard? This is a case which forms a strong appeal to the candor, the magnanimity, and honor of this people Much is due to courtesy between nations. By a short delay we shall lose nothing; for resting on the ground of immutable truth and justice, we can not be diverted from our purpose. It ought to be presumed that the explanations which may be given to the minister of Spain will be satisfactory and produce the desired result. In any event, the delay for the purpose mentioned being a further manifestation of the sincere desire to terminate, in the most friendly manner, all differences with Spain, can not fail to be duly appreciated by his catholic majesty as well as by other powers. It is submitted, therefore, whether it be proper to make the law proposed for carrying the conditions of the treaty into effect, should it be adopted, contingent; to suspend its operations, upon the responsibility of the executive in such manner as to afford an opportunity for such friendly explanations as may be desired during the present session of Congress.

I communicate to Congress a copy of the treaty and of the instructions to the minister of the United States at Madrid, respecting it; of his correspondence with the minister of Spain, and of such other documents as may be necessary to give a full view of the subject.

In the course which the Spanish government have on this occasion thought proper to pursue, it is satisfactory to know that they have not been countenanced by any European power. On the contrary, the opinion and wishes both of France and Great Britain have not been withheld, either from the United States or from Spain, and have been unequivocal in favor of the ratification. There is also reason to believe that the sentiments of the imperial government of Russia have been the same, and that they have also been made known to the cabinet of Madrid.

In the civil war existing between Spain and the Spanish provinces in this hemisphere, the greatest care has been taken to enforce the laws intended to preserve an impartial neutrality. Our ports have been equally open to both parties, and on the same conditions, and our citizens have been equally restrained from interfering in favor of either, to the prejudice of the other. The progress of the war, however, has operated manifestly in favor of the colonies. Buenos Ayres still maintains unshaken the independence which it declared in 1816, and has enjoyed since 1810. Like success has attended Chili and the provinces north of the La Plata bordering on it, and likewise Venezuela.

This contest has from its commencement been very interesting to other powers, and to none more so than to the United States. A virtuous people may and will confine themselves within the limits of a strict neutrality; but it is not in their power to behold a conflict so vitally important to their neighbors without the sensibility and sympathy which naturally belong to such a case. It has been the steady purpose of this government to prevent that feeling leading to excess, and it is very gratifying to have it in

my power to state, that so strong has been the sense, throughout the whole community, of what was due to the character and obligations of the nation, that few examples of a contrary kind have occurred.

The distance of the colonies from the parent-country, and the great extent of their population and resources, gave them advantages which it was anticipated at a very early period it would be difficult for Spain to surmount. The steadiness, consistency, and success, with which they have pursued their object, as evinced more particularly by the undisputed sovereignty which Buenos Ayres has so long enjoyed, evidently give them a strong claim to the favorable consideration of other nations. These sentiments, on the part of the United States, have not been withheld from other powers, with whom it is desirable to act in concert. Should it become manifest to the world that the efforts of Spain to subdue those provinces will be fruitless, it may be presumed that the Spanish government itself will give up the contest. In producing such a determination, it can not be doubted that the opinions of friendly powers who have taken no part in the controversy will have their merited influence.

It is of the highest importance to our national character, and indispensable to the morality of our citizens, that all violations of our neutrality should be prevented. No door should be left open for the evasion of our laws; no opportunity afforded to any who may be disposed to take advantage of it to compromit the interest or honor of the nation. It is submitted, therefore, to the consideration of Congress, whether it may not be advisable to revise the laws with a view to this desirable result.

It is submitted, also, whether it may not be advisable to designate by law the several ports or places along the coast at which only foreign ships-of-war and privateers may be admitted. The difficulty of sustaining the regulations of our commerce, and of other important interests, from abuse, without such designation, furnishes a strong motive for this measure.

At the time of the negotiation for the renewal of the commercial convention between the United States and Great Britain, a hope had been entertained that an article might have been agreed upon mutually satisfactory to both countries, regulating upon principles of justice and reciprocity the commercial intercourse between the United States and the British possessions, as well in the West Indies as upon the continent of North America. The plenipotentiaries of the two governments not having been able to come to an agreement on this important interest, those of the United States reserved for the consideration of this government the proposals which had been presented to them as the ultimate offer on the part of the British government, and which they were not authorized to accept. On their transmission here, they were examined with due deliberation, and the result of which was a new effort to meet the views of the British government. The minister of the United States was instructed to make a further proposal, which has not been accepted. It was, however, declined in an amicable manner. I recommend to the consideration of Congress whether further prohibitory provisions in the laws relating to this intercourse may not be expedient. It is seen with interest, that although it has not been practicable as yet to agree in any arrangement of this important branch of their commerce, such is the disposition of the parties that each will view any regulations which the other may make respecting it in the most friendly light.

By the fifth article of the convention, concluded on the 20th of October, 1818, it was stipulated that the differences which had arisen between the

two governments, with regard to the true intent and meaning of the fifth article of the treaty of Ghent, in relation to the carrying away, by British officers, of slaves from the United States, after the exchange of the ratifications of the treaty of peace, should be referred to the decision of some friendly sovereign or state to be named for that purpose. The minister of the United States has been instructed to name to the British government a foreign sovereign, the common friend to both parties, for the decision of this question. The answer of that government to the proposal, when received, will indicate the further measures to be pursued on the part of the United States.

Although the pecuniary embarrassment which affected various parts of the Union, during the latter part of the preceding year have, during the present, been considerably augmented, and still continue to exist, the receipts into the treasury to the 30th of September last have amounted to nineteen millions of dollars. After defraying the current expenses of the government, including the interest and reimbursement of the public debt, payable to that period, amounting to eighteen millions two hundred thousand dollars, there remained in the treasury on that day more than two millions five hundred thousand dollars, which, with the sums receivable during the remainder of the year, will exceed the current demands upon the treasury for the same period.

The causes which have tended to diminish the public receipts could not fail to have a corresponding effect upon the revenue which has accrued upon imposts and tonnage during the first three quarters of the present year. It is, however, ascertained, that the duties which have been secured during that period exceed eighteen millions of dollars, and those of the whole year will probably amount to twenty-three millions of dollars.

For the probable receipts of the next year I refer you to the statements which will be transmitted from the treasury, which will enable you to judge whether further provision be necessary.

The great reduction in the price of the principal articles of domestic growth, which has occurred during the present year, and the consequent fall in the price of labor, apparently so favorable to the success of domestic manufacture, have not shielded them against other causes adverse to their prosperity The pecuniary embarrassments which have so deeply affected the commercial interests of the nation have been no less adverse to our manufacturing establishments in several sections of the Union.

The great reduction of the currency which the banks have been constrained to make, in order to continue specie payments, and the vitiated character of it where such reductions have not been attempted, instead of placing within the reach of these establishments the pecuniary aid necessary to avail themselves of the advantages resulting from the reduction of the prices of the raw materials and of labor, have compelled the banks to withdraw from them a portion of the capital heretofore advanced to them. That aid which has been refused by the banks has not been obtained from other sources, owing to the loss of individual confidence from the failures which have recently occurred in some of our principal commercial cities.

An additional cause of the depression of these establishments may probably be found in pecuniary embarrassments which have recently affected those countries with which our commerce has been principally prosecuted. Their manufactures, for the want of a ready or profitable market at home,

have been shipped by the manufacturers to the United States, and in many instances sold at a price below their current value at the place of manufacture. Although this practice may from its nature be considered temporary or contingent, it is not on that account less injurious in its effects. Uniformity in the demand and price of an article is highly desirable to the domestic manufacturer.

It is deemed of great importance to give encouragement to our domestic manufactures. In what manner the evils adverted to may be remedied, and how far it may be practicable, in other respects, to afford to them further encouragement, paying due regard to all the other great interests of the nation, is submitted to the wisdom of Congress.

The survey of the coast for the establishment of fortifications is now nearly completed, and considerable progress has been made in the collection of materials for the construction of fortifications in the gulf of Mexico and in the Chesapeake bay. The works on the eastern bank of the Potomac below Alexandria, and on the Peapatch, in the Delaware, are much advanced, and it is expected that the fortifications at the Narrows, in the harbor of New York, will be completed the present year. To derive all the advantages contemplated from these fortifications, it was necessary that they should be judiciously posted, and constructed with a view to permanency. The progress hitherto has, therefore, been slow; but as the difficulties in parts hitherto the least explored and known are surmounted, it will in future be more rapid. As soon as the survey of the coast is completed, which it is expected will be done early in the next spring, the engineers employed in it will proceed to examine for like purposes, the northern and northwestern frontiers.

The troops intended to occupy a station at the mouth of the St. Peter's on the Mississippi, have established themselves there, and those which were ordered to the mouth of the Yellowstone, on the Missouri, have ascended that river to the Council Bluffs, where they will remain until next spring, when they will proceed to the place of their destination. I have the satisfaction to state that this measure has been executed in amity with the Indian tribes, and that it promises to produce, in regard to them, all the advantages which were contemplated by it.

Much progress has likewise been made in the construction of ships-of-war, and in the collection of timber and other materials for ship-building. It is not doubted that our navy will soon be augmented to the number, and placed in all respects on the footing, provided for by law.

The board, consisting of engineers and naval officers, have not yet made their final report of sites for two naval depôts, as instructed, according to the resolution of March 18th and April 20th, 1818, but they have examined the coast therein designated, and their report is expected in the next month.

For the protection of our commerce in the Mediterranean, along the southern Atlantic coast, in the Pacific and Indian oceans, it has been found necessary to maintain a strong naval force, which it seems proper for the present to continue. There is much reason to believe that if any portion of the squadron heretofore stationed in the Mediterranean should be withdrawn, our intercourse with the powers bordering on that sea would be much interrupted, if not altogether destroyed. Such, too, has been the growth of a spirit of piracy in the other quarters mentioned, by adventurers from every country, in abuse of the friendly flags which they have assumed, that not to protect our commerce there would be to abandon it

as a prey to their rapacity. Due attention has likewise been paid to the suppression of the slave-trade, in compliance with a law of the last session. Orders have been given to the commanders of all our public ships, to seize all vessels navigated under our flag engaged in that trade, and to bring them in, to be proceeded against in the manner prescribed by that law. It is hoped that these vigorous measures, supported by like acts by other nations, will soon terminate a commerce so disgraceful to the civilized world.

In the execution of the duty imposed by these acts, and of a high trust connected with it, it is with deep regret I have to state the loss which has been sustained by the death of Commodore Perry. His gallantry in a brilliant exploit in the late war added to the renown of his country. His death is deplored as a national misfortune.

FOURTH ANNUAL MESSAGE.

NOVEMBER 14, 1820.

Fellow-Citizens of the Senate and House of Representatives:—

IN communicating to you a just view of public affairs at the commencement of your present labors, I do it with great satisfaction, because, taking all circumstances into consideration which claim attention, I see much cause to rejoice in the felicity of our situation. In making this remark, I do not wish to be understood to imply that an unvaried prosperity is to be seen in every interest of this great community. In the progress of a nation inhabiting a territory of such vast extent and great variety of climate, every portion of which is engaged in foreign commerce, and liable to be affected in some degree by the changes which occur in the condition and regulations of foreign countries, it would be strange if the produce of our soil and the industry and enterprise of our fellow-citizens received, at all times and in every quarter, a uniform and equal encouragement. This would be more than we would have a right to expect under circumstances the most favorable. Pressures on certain interests, it is admitted, have been felt; but allowing to these their greatest extent, they detract but little from the force of the remarks already made. In forming a just estimate of our present situation, it is proper to look at the whole in the outline as well as in the detail. A free, virtuous, and enlightened people know well the great principles and causes on which their happiness depends, and even those who suffer most occasionally in their transitory concerns, find great relief under their sufferings from the blessings which they otherwise enjoy, and in the consoling and animating hope which they administer. From whence do these pressures come? Not from a government which is founded by, administered for, and supported by the people. We trace them to the peculiar character of the epoch in which we live, and to the extraordinary occurrences which have signalized it. The convulsions with which several of the powers of Europe have been shaken, and the long and destructive wars in which all were engaged, with their sudden transition to a state of peace, presenting in the first instance unusual encouragement to our commerce, and withdrawing it in the second, even within its wonted limit, could not fail to be sensibly felt here. The sta-

tion, too, which we had to support through this long conflict, compelled as we were, finally, to become a party to it with a principal power, and to make great exertions, suffer heavy losses, and to contract considerable debts, disturbing the ordinary course of affairs by augmenting to a vast amount the circulating medium, and thereby elevating at one time the price of every article above a just standard, and depressing it at another below it, had likewise its due effect.

It is manifest that the pressures of which we complain have proceeded in a great measure from these causes. When, then, we take into view the prosperous and happy condition of our country in all the great circumstances which constitute the felicity of a nation—every individual in the full enjoyment of all his rights—the Union blessed with plenty, and rapidly rising to greatness under a national government which operates with complete effect in every part without being felt in any, except by the ample protection which it affords, and under state governments which perform their equal share according to a wise distribution of power between them, in promoting the public happiness—it is impossible to behold so gratifying, so glorious a spectacle, without being penetrated with the most profound and grateful acknowledgments to the Supreme Author of all good for such manifold and inestimable blessings. Deeply impressed with these sentiments, I can not regard the pressures to which I have adverted otherwise than in the light of mild and instructive admonitions; warning us of dangers to be shunned in future; teaching us lessons of economy corresponding with the simplicity and purity of our institutions, and best adapted to their support; evincing the connexion and dependence which the various parts of our happy Union have on each other, thereby augmenting daily our social incorporation, and adding by its strong ties new strength and vigor to the political; opening a wider range, and with new encouragement, to the industry and enterprise of our fellow-citizens at home and abroad; and more especially by the multiplied proofs which it has accumulated of the great perfection of our most excellent system of government, the powerful instrument in the hands of an All-merciful Creator, in securing to us these blessings.

Happy as our situation is, it does not exempt us from solicitude and care for the future. On the contrary, as the blessings which we enjoy are great, proportionably great should be our vigilance, zeal, and activity to preserve them. Foreign wars may again expose us to new wrongs, which would impose on us new duties for which we ought to be prepared. The state of Europe is unsettled, and how long peace may be preserved is altogether uncertain; in addition to which, we have interests of our own to adjust, which will require particular attention. A correct view of our relations with each power will enable you to form a just idea of existing difficulties, and of the measures of precaution best adapted to them.

Respecting our relations with Spain, nothing explicit can now be communicated. On the adjournment of Congress in May last, the minister plenipotentiary of the United States at Madrid was instructed to inform the government of Spain, that if his catholic majesty should then ratify the treaty, this government would accept the ratification so far as to submit to the decision of the senate the question whether such ratification should be received in exchange for that of the United States heretofore given. By letters from the minister of the United States to the secretary of state, it appears that a communication in conformity with his instructions had been made to the government of Spain, and that the Cortes had the sub-

ject under consideration. The result of the deliberations of that body, which is daily expected, will be made known to Congress as soon as it is received. The friendly sentiment which was expressed on the part of the United States, in the message of the 9th of May last, is still entertained for Spain. Among the causes of regret, however, which are inseparable from the delay attending this transaction, it is proper to state that satisfactory information has been received that measures have been recently adopted, by designing persons, to convert certain parts of the province of East Florida into dépôts for the reception of foreign goods, from whence to smuggle them into the United States. By opening a port within the limits of Florida, immediately on our boundary, where there was no settlement, the object could not be misunderstood. An early accommodation of differences will, it is hoped, prevent all such fraudulent and pernicious practices, and place the relations of the two countries on a very amicable and permanent basis.

The commercial relations between the United States and the British colonies in the West Indies and on this continent, have undergone no change, the British government still preferring to leave that commerce under the restriction heretofore imposed on it on each side. It is satisfactory to recollect that the restraints resorted to by the United States were defensive only, intended to prevent a monopoly, under British regulations, in favor of Great Britain, as it likewise is to know that the experiment is advancing in a spirit of amity between the parties.

The question depending between the United States and Great Britain, respecting the construction of the first article of the treaty of Ghent, has been referred by both governments to the decision of the emperor of Russia, who has accepted the umpirage.

An attempt has been made with the government of France to regulate, by treaty, the commerce between the two countries, on the principle of reciprocity and equality. By the last communication from the minister plenipotentiary of the United States at Paris, to whom full power had been given, we learn that the negotiation had been commenced there, but serious difficulties having occurred, the French government had resolved to transfer it to the United States, for which purpose the minister plenipotentiary of France had been ordered to repair to this city, and whose arrival might soon be expected. It is hoped that this important interest may be arranged on just conditions and in a manner equally satisfactory to both parties. It is submitted to Congress to decide, until such arrangement is made, how far it may be proper on the principle of the act of the last session which augmented the tonnage duty on French vessels, to adopt other measures for carrying more completely into effect the policy of that act.

The act referred to, which imposed new tonnage duty on French vessels, having been in force from and after the first day of July, it has happened that several vessels of that nation, which had been despatched from France before its existence was known, have entered the ports of the United States, and been subject to its operation, without that previous notice which the general spirit of our laws gives to individuals in similar cases. The object of that law having been merely to countervail inequalities which existed to the disadvantage of the United States in their commercial intercourse with France, it is submitted also to the consideration of Congress, whether, in the spirit of amity and conciliation which it is no less the inclination than the policy of the United States to pre-

serve in their intercourse with other powers, it may not be proper to extend relief to the individuals interested in those cases, by exempting from the operation of the law all those vessels which have entered our ports without having had the means of previously knowing the existence of the additional duty.

The contest between Spain and the colonies, according to the most authentic information, is maintained by the latter with improved success. The unfortunate divisions which were known to exist some time since at Buenos Ayres, it is understood, still prevail. In no part of South America has Spain made any impression on the colonies, while in many parts, and particularly in Venezuela and New Granada, the colonies have gained strength and acquired reputation, both for the management of a war in which they have been successful and for the order of the internal administration. The late change in the government of Spain, by the re-establishment of the constitution of 1812, is an event which promises to be favorable to the revolution. Under the authority of the Cortes, the Congress of Angostura was invited to open a negotiation for the settlement of differences between the parties; to which it was replied, that they would willingly open the negotiation, provided the acknowledgment of their independence was made its basis, but not otherwise. Of further proceedings between them we are uninformed. No facts are known to this government to warrant the belief that any of the powers of Europe will take a part in the contest; whence it may be inferred, considering all circumstances which must have weight in producing the result, that an adjustment will finally take place on the basis proposed by the colonies. To promote that result by friendly counsels with other powers, including Spain herself, has been the uniform policy of this government.

In looking to the internal concerns of our country, you will, I am persuaded, derive much satisfaction from a view of the several objects to which, in the discharge of your official duties, your attention will be drawn. Among these, none hold a more important place than the public revenue, from the direct operation of the power by which it is raised on the people, and by its influence in giving effect to every other power of the government. The revenue depends on the resources of the country, and the facility by which the amount required is raised, is a strong proof of the extent of the resources and of the efficiency of the government. A few prominent facts will place this great interest in a just light before you. On the 30th of September, 1815, the funded and floating debt of the United States was estimated at one hundred and nineteen millions six hundred and thirty-five thousand five hundred and fifty-eight dollars. If to this sum be added the amount of five per cent. stock subscribed to the Bank of the United States, the amount of Mississippi stock, and of the stock which was issued subsequently to that date, the balances ascertained to be due to certain states for military services, and to individuals for supplies furnished and services rendered during the late war, the public debt may be estimated as amounting, at that date, and as afterward liquidated, to one hundred and fifty-eight millions seven hundred and thirteen thousand and forty-nine dollars. On the 30th of September, 1820, it amounted to ninety-one millions one hundred and ninety-three thousand eight hundred and eighty-three dollars, having been reduced, in that interval, by payments of sixty-six millions eight hundred and seventy-nine thousand one hundred and sixty-five dollars. During this term the expenses of the government of the United States were likewise defrayed in every

branch of the civil, military, and naval establishments; the public edifices in this city have been rebuilt, with considerable additions; extensive fortifications have been commenced; and are in a train of execution; permanent arsenals and magazines have been erected in various parts of the Union; our navy has been considerably augmented, and the ordnance, munitions of war, and stores of the army and navy, which were much exhausted during the war, have been replenished.

By the discharge of so large a portion of the public debt, and the execution of such extensive and important operations, in so short a time a just estimate may be formed of the great extent of our national resources. The demonstration is the more complete and gratifying, when it is recollected that the direct tax and excise were repealed soon after the termination of the late war, and that the revenue applied to these purposes had been derived almost wholly from other sources.

The receipts into the treasury, from every source, to the 30th of September last, have amounted to sixteen millions seven hundred and ninety-four thousand one hundred and seven dollars and sixty-six cents; while the public expenditures to the same period amounted to sixteen millions eight hundred and seventy-one thousand five hundred and thirty-four dollars and seventy-two cents; leaving in the treasury, on that day, a sum estimated at one million nine hundred and fifty thousand dollars. For the probable receipts of the following year I refer you to the statement which will be transmitted from the treasury.

The sum of three millions of dollars, authorized to be raised by loan by an act of the last session of Congress, has been obtained upon terms advantageous to the government, indicating not only an increased confidence in the faith of the nation, but the existence of a large amount of capital seeking that mode of investment, at a rate of interest not exceeding five per centum per annum.

It is proper to add, that there is now due to the treasury, for the sale of public lands, twenty-two millions nine hundred and ninety-six thousand five hundred and forty-five dollars. In bringing this subject to view, I consider it my duty to submit to Congress whether it may not be advisable to extend to the purchasers of these lands, in consideration of the unfavorable change which has occurred since the sales, a reasonable indulgence. It is known that the purchases were made when the price of every article had risen to its greatest height, and that the instalments are becoming due at a period of great depression. It is presumed that some plan may be devised by the wisdom of Congress, compatible with the public interest, which would afford great relief to these purchasers.

Considerable progress has been made, during the present season, in examining the coast and its various bays and other inlets; in the collection of materials and in the construction of fortifications for the defence of the Union, at several of the positions at which it has been decided to erect such works. At Mobile point and Dauphin island, and at the Rigolets, leading to Lake Pontchartrain, materials to a considerable amount have been collected, and all the necessary preparations made for the commencement of the works. At Old Point Comfort, at the mouth of James river, and at the Rip-Raps, on the opposite shore in the Chesapeake bay, materials to a vast amount have been collected; and at the Old Point some progress has been made in the construction of the fortification, which is on a very extensive scale. The work at Fort Washington, on this river, will be completed early in next spring, and that on the Peapatch, in the

Delaware, in the course of the next season. Fort Diamond, at the Narrows, in the harbor of New York, will be finished this year. The works at Boston, New York, Baltimore, Norfolk, Charleston, and Niagara, have been in part repaired; and the coast of North Carolina, extending south to Cape Fear, has been examined, as have likewise other parts of the coast eastward of Boston. Great exertions have been made to push forward these works with the utmost despatch possible; but when their extent is considered, with the important purposes for which they are intended, the defence of the whole coast, and in consequence, of the whole interior, and that they are to last for ages, it will be manifest that a well-digested plan, founded on military principles, connecting the whole together, combining security with economy, could not be prepared without repeated examinations of the most exposed and difficult parts, and that it would also take considerable time to collect the materials at the several points where they would be required. From all the light that has been shed on this subject, I am satisfied that every favorable anticipation which has been formed of this great undertaking will be verified, and that when completed, it will afford very great if not complete protection to our Atlantic frontier in the event of another war; a protection sufficient to counterbalance, in a single campaign, with an enemy powerful at sea, the expense of all these works, without taking into the estimate the saving of the lives of so many of our citizens, the protection of our towns and other property, or the tendency of such works to prevent war.

Our military positions have been maintained at Belle point on the Arkansas, at Council Bluff on the Missouri, at St. Peter's on the Mississippi, and at Green bay on the upper lakes. Commodious barracks have already been erected at most of these posts, with such works as were necessary for their defence. Progress has also been made in opening communications between them, and in raising supplies at each for the support of the roops by their own labor, particularly those most remote.

With the Indians peace has been preserved, and a progress made in carrying into effect the act of Congress making an appropriation for their civilization, with a prospect of favorable results. As connected equally with both these objects, our trade with those tribes is thought to merit the attention of Congress. In their original state, game is their sustenance, and war their occupation; and if they find no employment from civilized powers they destroy each other. Left to themselves, their extirpation is inevitable. By a judicious regulation of our trade with them, we supply their wants, administer to their comforts, and gradually, as the game retires, draw them to us. By maintaining posts far in the interior, we acquire a more thorough and direct control over them, without which it is confidently believed that a complete change in their manners can never be accomplished. By such posts, aided by a proper regulation of our trade with them, and a judicious civil administration over them, to be provided for by law, we shall, it is presumed, be enabled not only to protect our own settlements from their savage incursions, and to preserve peace among the several tribes, but accomplish also the great purpose of their civilization.

Considerable progress has also been made in the construction of ships-of-war, some of which have been launched in the course of the present year.

Our peace with the powers on the coast of Barbary has been preserved, but we owe it altogether to the presence of our squadron in the Mediterra-

nean. It has been found equally necessary to employ some of our vessels for the protection of our commerce in the Indian sea, the Pacific, and along the Atlantic coast. The interests which we have depending in those quarters, which have been much improved of late, are of great extent, and of high importance to the nation, as well as to the parties concerned, and would undoubtedly suffer if such protection was not extended to them. In execution of the law of last session, for the suppression of the slave-trade, some of our public ships have also been employed on the coast of Africa, where several captures have already been made of vessels engaged in that disgraceful traffic.

SECOND INAUGURAL ADDRESS.

March 4, 1821.

Fellow-Citizens: I shall not attempt to describe the grateful emotions which the new and very distinguished proof of the confidence of my fellow-citizens, evinced by my re-election to this high trust, has excited in my bosom. The approbation which it announces of my conduct, in the preceding term, affords me a consolation which I shall profoundly feel through life. The general accord with which it has been expressed, adds to the great and never-ceasing obligations which it imposes. To merit the continuance of this good opinion, and to carry it with me into my retirement, as the solace of my advancing years, will be the object of my most zealous and unceasing efforts.

Having no pretensions to the high and commanding claims of my predecessors, whose names are so much more conspicuously identified with our revolution, and who contributed so pre-eminently to promote its success, I consider myself rather as the instrument, than the cause of the union which has prevailed in the late election. In surmounting, in favor of my humble pretensions, the difficulties which so often produce division in like occurrences, it is obvious that other powerful causes, indicating the great strength and stability of our Union, have essentially contributed to draw you together. That these powerful causes exist, and that they are permanent, is my fixed opinion; that they may produce a like accord in all questions, touching, however remotely, the liberty, prosperity, and happiness of our country, will always be the object of my most fervent prayers to the Supreme Author of all good.

In a government which is founded by the people, who possess exclusively the sovereignty, it seems proper that the person who may be placed by their suffrages in this high trust, should declare, on commencing its duties, the principles on which he intends to conduct the administration. If the person, thus elected, has served the preceding term, an opportunity is afforded him to review its principal occurrences, and to give such further explanation respecting them, as in his judgment may be useful to his constituents. The events of one year have influence on those of another; and in like manner, of a preceding on the succeeding administration. The movements of a great nation are connected in all their parts. If errors have been committed, they ought to be corrected; if the policy is sound, it ought to be supported. It is by a thorough knowledge of the whole subject that our fellow-citizens are enabled to judge correctly of the past, and to give a proper direction to the future.

Just before the commencement of the last term, the United States had concluded a war with a very powerful nation, on conditions equal and honorable to both parties. The events of that war are too recent, and too deeply impressed on the memory of all, to require a development from me. Our commerce had been, in a great measure, driven from the sea; our Atlantic and inland frontiers were invaded in almost every part; the waste of life along our coast, and on some parts of our inland frontiers, to the defence of which our gallant and patriotic citizens were called, was immense; in addition to which, not less than one hundred and twenty millions of dollars were added at its end to the public debt.

As soon as the war had terminated, the nation, admonished by its events, resolved to place itself in a situation which should be better calculated to

prevent the recurrence of a like evil, and in case it should recur, to mitigate its calamities. With this view, after reducing our land force to the basis of a peace establishment, which has been further modified since, provision was made for the construction of fortifications at proper points, through the whole extent of our coast, and such an augmentation of our naval force, as should be well adapted to both purposes. The laws making this provision were passed in 1815 and '16, and it has been, since, the constant effort of the executive to carry them into effect.

The advantage of these fortifications, and of an augmented naval force, in the extent contemplated, in a point of economy, has been fully illustrated by a report of the board of engineers and naval commissioners, lately communicated to Congress, by which it appears that, in an invasion by twenty thousand men, with a correspondent naval force, in a campaign of six months only, the whole expense of the construction of the works would be defrayed by the difference in the sum necessary to maintain the force which would be adequate to our defence with the aid of these works, and that which would be incurred without them. The reason of this difference is obvious. If fortifications are judiciously placed on our great inlets, as distant from our cities as circumstances will permit, they will form the only points of attack, and the enemy will be detained there by a small regular force, a sufficient time to enable our militia to collect, and repair to that on which the attack is made. A force adequate to the enemy, collected at that single point, with suitable preparation for such others as might be menaced, is all that would be requisite. But, if there were no fortifications, then the enemy might go where he pleased, and, changing his position, and sailing from place to place, our force must be called out and spread in vast numbers along the whole coast, and on both sides of every bay and river, as high up in each as it might be navigable for ships-of-war. By these fortifications, supported by our navy, to which they would afford like support, we should present to other powers an armed front from the St. Croix to the Sabine, which would protect, in the event of war, our whole coast and interior from invasion; and even in the wars of other powers, in which we were neutral, they would be found eminently useful, as, by keeping their public ships at a distance from our cities, peace and order in them would be preserved, and the government be protected from insult.

It need scarcely be remarked, that these measures have not been resorted to in a spirit of hostility to other powers. Such a disposition does not exist toward any power. Peace and good will have been, and will hereafter be, cultivated with all, and by the most faithful regard for justice. They have been dictated by a love of peace, of economy, and an earnest desire to save the lives of our fellow-citizens from that destruction, and our country from that devastation, which are inseparable from war, when it finds us unprepared for it. It is believed, and experience has shown, that such a preparation is the best expedient that can be resorted to, to prevent war. I add, with much pleasure, that considerable progress has already been made in these measures of defence, and that they will be completed in a few years, considering the great extent and importance of the object, if the plan be zealously and steadily persevered in.

The conduct of the government, in what relates to foreign powers, is always an object of the highest importance to the nation. Its agriculture, commerce, manufactures, fisheries, revenue, in short, its peace, may all be affected by it. Attention is, therefore, due to this subject.

At the period adverted to, the powers of Europe, after having been en-

gaged in long and destructive wars with each other, had concluded a peace, which happily still exists. Our peace with the power with whom we had been engaged had also been concluded. The war between Spain and the colonies of South America, which had commenced many years before, was then the only conflict that remained unsettled. This being a contest between different parts of the same community, in which other powers had not interfered, was not affected by their accommodations.

This contest was considered, at an early stage, by my predecessor, a civil war, in which the parties were entitled to equal rights in our ports. This decision, the first made by any power, being formed on great consideration of the comparative strength and resources of the parties, the length of time, and successful opposition made by the colonies, and of all other circumstances on which it ought to depend, was in strict accord with the law of nations. Congress has invariably acted on this principle, having made no change in our relations with either party. Our attitude has, therefore, been that of neutrality, between them, which has been maintained with the strictest impartiality. No aid has been afforded to either, nor has any privilege been enjoyed by the one which has not been equally open to the other party, and every exertion has been made in its power, to enforce the execution of the laws prohibiting illegal equipments, with equal rigor against both.

By this equality between the parties, their public vessels have been received in our ports on the same footing; they have enjoyed an equal right to purchase and export arms, munitions of war, and every other supply, the exportation of all articles whatever being permitted under laws which were passed long before the commencement of the contest; our citizens have traded equally with both, and their commerce with each has been alike protected by the government.

Respecting the attitude which it may be proper for the United States to maintain hereafter between the parties, I have no hesitation in stating it as my opinion, that the neutrality heretofore observed should still be adhered to. From the change in the government of Spain, and the negotiation now depending, invited by the cortes and accepted by the colonies, it may be presumed that their differences will be settled on the terms proposed by the colonies. Should the war be continued, the United States, regarding its occurrences, will always have it in their power to adopt such measures respecting it, as their honor and interest may require.

Shortly after the general peace, a band of adventurers took advantage of this conflict, and of the facility which it afforded, to establish a system of buccaneering in the neighboring seas, to the great annoyance of the commerce of the United States, and, as was represented, of that of other powers. Of this spirit, and of its injurious bearing on the United States, strong proofs were afforded by the establishment at Amelia island, and the purposes to which it was made instrumental by this band in 1817, and by the occurrences which took place in other parts of Florida in 1818, the details of which, in both instances, are too well known to require to be now recited. I am satisfied, had a less decisive course been adopted, that the worst consequences would have resulted from it. We have seen that these checks, decisive as they were, were not sufficient to crush that piratical spirit. Many culprits, brought within our limits have been condemned to suffer death, the punishment due to that atrocious crime. The decisions of upright and enlightened tribunals fall equally on all, whose crimes subject them, by a fair interpretation of the law, to its censure. It belongs to the executive not to suffer the executions under these decisions to trans-

cend the great purpose for which punishment is necessary. The full benefit of example being secured, policy, as well as humanity, equally forbids that they should be carried further. I have acted on this principle, pardoning those who appear to have been led astray by ignorance of the criminality of the acts they had committed, and suffering the law to take effect on those only, in whose favor no extenuating circumstances could be urged.

Great confidence is entertained, that the late treaty with Spain, which has been ratified by both the parties, and the ratifications whereof have been exchanged, has placed the relations of the two countries on a basis of permanent friendship. The provision made by it for such of our citizens as have claims on Spain, of the character described, will, it is presumed, be very satisfactory to them, and the boundary which is established between the territories of the parties westward of the Mississippi, heretofore in dispute, has, it is thought, been settled on conditions just and advantageous to both. But to the acquisition of Florida too much importance can not be attached. It secures to the United States a territory important in itself, and whose importance is much increased by its bearing on many of the highest interests of the Union. It opens to several of the neighboring states a free passage to the ocean, through the province ceded, by several rivers, having their sources high up within their limits. It secures us against all future annoyance from powerful Indian tribes. It gives us several excellent harbors in the gulf of Mexico for ships-of-war of the largest size. It covers, by its position in the gulf, the Mississippi and other great waters within our extended limits, and thereby enables the United States to afford complete protection to the vast and very valuable productions of our whole western country, which find a market through those streams.

By a treaty with the British government, bearing date on the 20th October, 1818, the convention regulating the commerce between the United States and Great Britain, concluded on the 3d of July, 1815, which was about expiring, was revived and continued for the term of ten years from the time of its expiration. By that treaty, also, the differences which had arisen under the treaty of Ghent, respecting the right claimed by the United States for their citizens, to take and cure fish on the coast of his Britannic majesty's dominions in America, with other differences on important interests, were adjusted, to the satisfaction of both parties. No agreement has yet been entered into respecting the commerce between the United States and the British dominions in the West Indies and on this continent. The restraints imposed on that commerce by Great Britain, and reciprocated by the United States, on a principle of defence, continue still in force.

The negotiation with France for the regulation of the commercial relations between the two countries, which, in the course of the last summer, had been commenced at Paris, has since been transferred to this city, and will be pursued, on the part of the United States, in the spirit of conciliation, and with an earnest desire that it may terminate in an arrangement satisfactory to both parties.

Our relations with the Barbary powers are preserved in the same state, and by the same means, that were employed when I came into this office. As early as 1801, it was found necessary to send a squadron into the Mediterranean for the protection of our commerce, and no period has intervened, a short term excepted, when it was thought advisable to withdraw it. The great interest which the United States have in the Pacific,

in commerce and in the fisheries, have also made it necessary to maintain a naval force there. In disposing of this force, in both instances, the most effectual measures in our power have been taken, without interfering with its other duties, for the suppression of the slave-trade, and of piracy, in the neighboring seas.

The situation of the United States, in regard to their resources, the extent of their revenue, and the facility with which it is raised, affords a most gratifying spectacle. The payment of nearly sixty-seven millions of dollars of the public debt, with the great progress made in measures of defence, and in other improvements of various kinds, since the late war, are conclusive proofs of this extraordinary prosperity, especially when it is recollected, that these expenditures have been defrayed, without a burthen on the people, the direct tax and excise having been repealed soon after the conclusion of the late war, and the revenue applied to these great objects having been raised in a manner not to be felt. Our great resources, therefore, remain untouched, for any purpose which may affect the vital interests of the nation. For all such purposes they are inexhaustible. They are more especially to be found in the virtue, patriotism, and intelligence of our fellow-citizens, and in the devotion with which they would yield up, by any just measure of taxation, all their property, in support of the rights and honor of their country.

Under the present depression of prices, affecting all the productions of the country, and every branch of industry, proceeding from causes explained on a former occasion, the revenue has considerably diminished; the effect of which has been to compel Congress, either to abandon these great measures of defence, or to resort to loans or internal taxes, to supply the deficiency. On the presumption that this depression, and the deficiency in the revenue arising from it, would be temporary, loans were authorized for the demands of the last and present year. Anxious to relieve my fellow-citizens in 1817, from every burden which could be dispensed with, and the state of the treasury permitting it, I recommended the repeal of the internal taxes, knowing that such relief was then peculiarly necessary, in consequence of the great exertions made in the late war. I made that recommendation under a pledge, that should the public exigencies require a recurrence to them at any time while I remained in this trust, I would, with equal promptitude, perform the duty which would then be alike incumbent on me. By the experiment now making, it will be seen, by the next session of Congress, whether the revenue shall have been so augmented as to be adequate to all these necessary purposes. Should the deficiency still continue, and especially, should it be probable that it would be permanent, the course to be pursued, appears to me to be obvious. I am satisfied that, under certain circumstances, loans may be resorted to with great advantage. I am equally well satisfied, as a general rule, that the demands of the current year, especially in time of peace, should be provided for by the revenue of that year.

I have never dreaded, nor have I ever shunned, in any situation in which I have been placed, making appeals to the virtue and patriotism of my fellow-citizens, well knowing that they could never be made in vain, especially in times of great emergency, or for purposes of high national importance. Independently of the exigency of the case, many considerations of great weight urge a policy having in view a provision of revenue, to meet, to a certain extent, the demands of the nation, without relying altogether on the precarious resource of foreign commerce. I am satisfied

that internal duties and excises, with corresponding imposts on foreign articles of the same kind, would, without imposing any serious burdens on the people, enhance the price of produce, promote our manufactures, and augment the revenue, at the same time that they made it more secure and permanent.

The care of the Indian tribes within our limits has long been an essential part of our system; but unfortunately it has not been executed in a manner to accomplish all the objects intended by it. We have treated them as independent nations, without their having any substantial pretensions to that rank. The distinction has flattered their pride, retarded their improvement, and, in many instances, paved the way to their destruction. The progress of our settlements westward, supported as they are by a dense population, has constantly driven them back, with almost the total sacrifice of the lands which they have been compelled to abandon. They have claims on the magnanimity, and, I may add, on the justice of this nation, which we must all feel. We should become their real benefactors; we should perform the office of their great father, the endearing title which they emphatically give to the chief magistrate of our Union. Their sovereignty over territories should cease, in lieu of which, the right of soil should be secured to each individual and his posterity, in competent portions; and for the territory, thus ceded by each tribe, some reasonable equivalent should be granted, to be vested in permanent funds for the support of civil government over them, and for the education of their children, for their instruction in the arts of husbandry, and to provide sustenance for them until they could provide it for themselves. My earnest hope is, that Congress will digest some plan, founded on these principles, with such improvements as their wisdom may suggest, and carry it into effect as soon as it may be practicable.

Europe is again unsettled, and the prospect of war increasing. Should the flame light up in any quarter, how far it may extend it is impossible to foresee. It is our peculiar felicity to be altogether unconnected with the causes which produce this menacing aspect elsewhere. With every power we are in perfect amity, and it is our interest to remain so, if it be practicable on just conditions. I see no reasonable cause to apprehend variance with any power, unless it proceed from a violation of our maritime rights. In these contests, should they occur, and to whatever extent they may be carried, we shall be neutral; but, as a neutral power, we have rights which it is our duty to maintain. For like injuries, it will be incumbent on us to seek redress in a spirit of amity, in full confidence that, injuring none, none would knowingly injure us. For more imminent dangers we should be prepared, and it should always be recollected, that such preparation, adapted to the circumstances, and sanctioned by the judgment and wishes of our constituents, can not fail to have a good effect, in averting dangers of every kind. We should recollect, also, that the season of peace is best adapted to these preparations.

If we turn our attention, fellow-citizens, more immediately to the internal concerns of our country, and more especially to those on which its future welfare depends, we have every reason to anticipate the happiest results. It is now rather more than forty-four years since we declared our independence, and thirty-seven since it was acknowledged. The talents and virtues which were displayed in that great struggle were a sure presage of all that has since followed. A people who were able to surmount, in their infant state, such great perils, would be more competent,

as they rose into manhood, to repel any which they might meet in their progress. Their physical strength would be more adequate to foreign danger, and the practice of self-government, aided by the light of experience, could not fail to produce an effect, equally salutary, on all those questions connected with the internal organization. These favorable anticipations have been realized.

In our whole system, national and state, we have shunned all the defects which unceasingly preyed on the vitals and destroyed the ancient republics. In them, there were distinct orders, a nobility and a people, or the people governed in one assembly. Thus, in the one instance, there was a perpetual conflict between the orders in society for the ascendency, in which the victory of either terminated in the overthrow of the government, and the ruin of the state. In the other, in which the people governed in a body, and whose dominions seldom exceeded the dimensions of a county in one of our states, a tumultuous and disorderly movement, permitted only a transitory existence. In this great nation there is but one order, that of the people, whose power, by a peculiarly happy improvement of the representative principle, is transferred from them, without impairing in the slightest degree their sovereignty, to bodies of their own creation, and to persons elected by themselves, in the full extent necessary, for all the purposes of free, enlightened, and efficient government. The whole system is elective, the complete sovereignty being in the people, and every officer, in every department, deriving his authority from, and being responsible to, them for his conduct.

Our career has corresponded with this great outline. Perfection in our organization could not have been expected in the outset, either in the national or state governments, or in tracing the line between their respective powers. But no serious conflict has arisen, nor any contest but such as are managed by argument, and by a fair appeal to the good sense of the people; and many of the defects, which experience had clearly demonstrated in both governments, have been remedied. By steadily pursuing this course, in this spirit, there is every reason to believe that our system will soon attain the highest degree of perfection of which human institutions are capable, and that the movement, in all its branches, will exhibit such a degree of order and harmony, as to command the admiration and respect of the civilized world.

Our physical attainments have not been less eminent. Twenty-five years ago, the river Mississippi was shut up, and our western brethren had no outlet for their commerce. What has been the progress since that time? The river has not only become the property of the United States, from its source to the ocean, with all its tributary streams (with the exception of the upper part of Red river only), but Louisiana, with a fair and liberal boundary on the western side, and the Floridas on the eastern, have been ceded to us. The United States now enjoy the complete and uninterrupted sovereignty over the whole territory from St. Croix to the Sabine. New states, settled from among ourselves, in this and in other parts, have been admitted into our Union, in equal participation in the national sovereignty with the original states. Our population has augmented in an astonishing degree, and extended in every direction. We now, fellow-citizens, comprise within our limits the dimensions and faculties of a great power, under a government possessing all the energies of any government ever known to the old world, with an utter incapacity to oppress the people.

Entering, with these views, the office which I have just solemnly sworn to execute with fidelity, and to the utmost of my ability, I derive great satisfaction from a knowledge that I shall be assisted in the several departments by the very enlightened and upright citizens from whom I have received so much aid in the preceding term. With full confidence in the continuance of that candor and generous indulgence from my fellow-citizens at large, which I have heretofore experienced, and with a firm reliance on the protection of Almighty God, I shall forthwith commence the duties of the high trust to which you have called me.

FIFTH ANNUAL MESSAGE.

DECEMBER 3, 1821.

To the Senate and House of Representatives of the United States :—

THE progress of our affairs since the last session has been such as may justly be claimed and expected under a government deriving all its powers from an enlightened people, and under laws formed by their representatives, on great consideration, for the sole purpose of promoting the welfare and happiness of their constituents. In the execution of those laws, and of the powers vested by the constitution in the executive, unremitted attention has been paid to the great objects to which they extend. In the concerns which are exclusively internal, there is good cause to be satisfied with the result. The laws have had their due operation and effect. In those relating to foreign powers, I am happy to state that peace and amity are preserved with all, by a strict observance on both sides of the rights of each. In matters touching our commercial intercourse, where a difference of opinion has existed as to the conditions on which it should be placed, each party has pursued its own policy, without giving just cause of offence to the other. In this annual communication, especially when it is addressed to a new Congress, the whole scope of our political concerns naturally comes into view, that errors, if such have been committed, may be corrected; that defects which have become manifest may be remedied; and on the other hand, that measures which were adopted on due deliberation, and which experience has shown are just in themselves and essential to the public welfare, should be persevered in and supported. In performing this necessary and very important duty, I shall endeavor to place before you, on its merits, every subject that is thought to be entitled to your particular attention, in as distinct and clear a light as I may be able.

By an act of the 3d of March, 1815, so much of the several acts as imposed higher duties on the tonnage of foreign vessels, and on the manufactures and productions of foreign nations, when imported into the United States in foreign vessels, than when imported in vessels of the United States, were repealed, so far as respected the manufactured productions of the nation to which such vessels belonged, on the condition that the repeal should take effect only in favor of any foreign nation, when the executive should be satisfied that such discriminating duties to the disadvantage of the United States had likewise been repealed by such nation. By this act, a proposition was made to all nations to place our commerce with each on a basis which it was presumed would be acceptable to all. Every nation

was allowed to bring its manufactures and productions into our ports, and to take the manufactures and productions of the United States back to their ports, in their own vessels, on the same conditions that they might be transported in vessels of the United States; and in return, it was required that a like accommodation should be granted to the vessels of the United States in the ports of other power. The articles to be admitted or prohibited on either side, formed no part of the proposed arrangement. Each party would retain the right to admit or prohibit such articles from the other as it thought proper, and on its own conditions.

When the nature of the commerce between the United States and every other country was taken into view, it was thought that this proposition would be considered fair, and even liberal, by every power. The exports of the United States consist generally of articles of the first necessity, and of rude materials in demand for foreign manufactories, of great bulk, requiring for their transportation many vessels, the return for which, in the manufactures and productions of any foreign country, even when disposed of there to advantage, may be brought in a single vessel. This observation is the more especially applicable to those countries from which manufactures alone are imported, but it applies in a great extent to the European dominions of every European power, and in a certain extent to all the colonies of those powers.

By placing, then, the navigation precisely on the same ground, in the transportation of exports and imports between the United States and other countries, it was presumed that all was offered which could be desired. It seemed to be the only proposition which could be devised which would retain even the semblance of equality in our favor.

Many considerations of great weight gave us a right to expect that this commerce should be extended to the colonies, as well as to the European dominions of other powers. With the latter, especially with countries exclusively manufacturing, the advantage was manifestly on their side. An indemnity for that loss was expected from a trade with the colonies, and with the greater reason, as it was known that the supplies which the colonies derived from us were of the highest importance to them, their labor being bestowed with so much greater profit in the culture of other articles; and because, likewise, the articles of which those supplies consisted, forming so large a proportion of the exports of the United States, were never admitted into any of the ports of Europe, except in cases of great emergency, to avert a serious calamity. When no article is admitted which is not required to supply the wants of the party admitting it, and admitted then, not in favor of any particular country, to the disadvantage of others, but on conditions equally applicable to all, it seems just that the articles thus admitted and invited should be carried thither in the vessels of the country affording such supply, and that the reciprocity should be found in a corresponding accommodation on the other side. By allowing each party to participate in the transportation of such supplies, on the payment of equal tonnage, strong proof was afforded of an accommodating spirit. To abandon to it the transportation of the whole would be a sacrifice which ought not to be expected. The demand in the present instance, would be the more unreasonable, in consideration of the great inequality existing in the trade of the parent-country.

Such was the basis of our system, as established by the act of 1815, and such its true character. In the year in which this act was passed, a treaty was concluded with Great Britain, in strict conformity with its prin-

ciples, in regard to her European dominions. To her colonies, however, in the West Indies and on this continent, it was not extended, the British government claiming the exclusive supply of those colonies, and from our own ports, and of the productions of the colonies in return in her own vessels. To this claim the United States could not assent, and in consequence, each party suspended the intercourse in the vessels of the other, by a prohibition which still exists.

The same conditions were offered to France, but not accepted. Her government has demanded other conditions more favorable to her navigation, and which should also give extraordinary encouragement to her manufactures and productions in ports of the United States. To these it was thought improper to accede, and in consequence, the restrictive regulations which had been adopted on her part, being countervailed on the part of the United States, the direct commerce between the two countries, in the vessels of each party, has been in a great measure suspended. It is much to be regretted, that although a negotiation has been long pending, such is the diversity of views entertained on the various points which have been brought into discussion, that there does not appear to be any reasonable prospect of its early conclusion.

It is my duty to state, as a cause of very great regret, that very serious differences have occurred in this negotiation, respecting the construction of the eighth article of the treaty of 1803, by which Louisiana was ceded to the United States, and likewise respecting the seizure of the Apollo, in 1820, for a violation of our revenue laws. The claim of the government of France has excited not less surprise than concern, because there does not appear to be a just foundation for it in either instance. By the eighth article of the treaty referred to, it is stipulated that, after the expiration of twelve years, during which time it was provided by the seventh or preceding article that the vessels of France and Spain should be admitted into the ports of the ceded territory without paying higher duties on merchandise, or tonnage on the vessels, than such as were paid by citizens of the United States, the ships of France should for ever afterward be placed on the footing of the most favored nation. By the obvious construction of this article, it is presumed that it was intended that no favor should be granted to any power, in those ports, to which France should not be forthwith entitled; nor should any accommodation be allowed to another power, on conditions to which she would not also be entitled on the same conditions. Under this construction, no favor or accommodation could be granted to any power to the prejudice of France. By allowing the equivalent allowed by those powers, she would always stand in those ports on the footing of the most favored nation. But if this article should be so construed as that France should enjoy, of right, and without paying the equivalent, all the advantages of such conditions as might be allowed to other powers, in return for important concessions made by them, then the whole character of the stipulations would be changed. She would not only be placed on the footing of the most favored nation, but on a footing held by no other nation. She would enjoy all the advantages allowed to to them, in consideration of like advantages allowed to us, free from every and any condition whatever.

As little cause has the government of France to complain of the seizure of the Apollo, and the removal of other vessels from the waters of the St. Mary's. It will not be denied that every nation has a right to regulate its commercial system as it thinks fit, and to enforce the collection of its

revenue, provided it be done without an invasion of the rights of other powers. The violation of its revenue laws is an offence which all nations punish, the punishment of which gives no just cause of complaint to the power to which the offenders belong, provided it be extended to all equally. In this case, every circumstance which occurred indicated a fixed purpose to violate our revenue laws. Had the party intended to have pursued a fair trade, he would have entered our ports and paid the duties; or had he intended to carry on a legitimate circuitous commerce with the United States, he would have entered the port of some other power, landed his goods at the customhouse, according to law, and reshipped and sent them in the vessel of such power, or of some other power which might lawfully bring them, free from such duties, to a port of the United States. But the conduct of the party in this case was altogether different. He entered the river St. Mary's, the boundary line between the United States and Florida, and took his position on the Spanish side, on which, in the whole extent of the river, there was no town, no port or customhouse, and scarcely any settlement. His purpose, therefore, was, not to sell his goods to the inhabitants of Florida, but to citizens of the United States, in exchange for their productions, which could not be done without a direct and palpable breach of our laws. It is known that a regular systematic plan had been formed by certain persons for the violation of our revenue system, which made it the more necessary to check the proceedings in its commencement.

That the unsettled bank of a river so remote from the Spanish garrisons and population could give no protection to any party in such a practice, is believed to be in strict accord with the law of nations. It would not have comported with a friendly policy of Spain herself to have established a customhouse there, since it could have subserved no other purpose than to elude our revenue law. But the government of Spain did not adopt that measure. On the contrary, it is understood that the captain-general of Cuba, to whom an application to that effect was made by these adventurers, had not acceded to it. The condition of those provinces for many years, before they were ceded to the United States, need not now be dwelt on. Inhabited by different tribes of Indians, and an inroad for every kind of adventurers, the jurisdiction of Spain may be said to have been almost exclusively confined to her garrisons. It certainly could not extend to places where she had no authority. The rules, therefore, applicable to settled countries governed by laws, could not be deemed so to the deserts of Florida and to the occurrences there. It merits attention, also, that the territory had then been ceded to the United States by a treaty, the ratification of which had not been refused, and which has since been performed. Under any circumstances, therefore, Spain became less responsible for such acts committed there, and the United States more at liberty to exercise authority to prevent so great a mischief. The conduct of this government has, in every instance, been conciliatory and friendly to France. The construction of our revenue law, in its application to the cases which have formed the ground of such serious complaints on her part, and the order to the collector of St. Mary's, in accord with it, were given two years before these cases occurred, and in reference to a breach which was attempted by the subjects of another power. The application, therefore, to the cases in question, was inevitable. As soon as the treaty by which these provinces were ceded to the United States was ratified, and all danger of further breach of our revenue laws ceased, an order was

given for the release of the vessel which had been seized, and for the dismission of the libel which had been instituted against her.

The principles of this system of reciprocity, founded on the law of the 3d of March, 1815, have been since carried into effect with the kingdoms of the Netherlands, Sweden, Prussia, and with Hamburg, Bremen, Lubeck, and Oldenburg, with a provision made by subsequent laws in regard to the Netherlands, Prussia, Hamburg, and Bremen, that such produce and manufactures as could only be, or most usually were, first shipped from the ports of those countries, the same being imported in vessels wholly belonging to their subjects, should be considered and admitted as their own manufactures and productions.

The government of Norway has, by an ordinance, opened the ports of that part of the dominions of the king of Sweden to the vessels of the United States, upon the payment of no other or higher duties than are paid by Norwegian vessels, from whatever place arriving, and with whatever articles laden. They have requested the reciprocal allowance for the vessels of Norway in the ports of the United States. As this privilege is not within the scope of the act of the 3d of March, 1815, and can only be granted by Congress, and as it may involve the commercial relations of the United States with other nations, the subject is submitted to the wisdom of Congress.

I have presented thus fully to your view our commercial relations with other powers, that, seeing them in detail with each power, and knowing the basis on which they rest, Congress may in its wisdom decide whether any change ought to be made, and if any, in what respect. If this basis is unjust or unreasonable, surely it ought to be abandoned; but if it be just and reasonable, and any change in it will make concessions subversive of equality, and tending in its consequences to sap the foundations of our prosperity, then the reasons are equally strong for adhering to the ground already taken, and supporting it by such further regulations as may appear to be proper, should any additional support be found necessary.

The question concerning the construction of the first article of the treaty of Ghent, has been, by a joint act of the representatives of the United States and of Great Britain, at the court of St. Petersburg, submitted to the decision of his imperial majesty, the emperor of Russia. The result of that submission has not yet been received. The commissioners under the fifth article of that treaty not having been able to agree upon their decision, their reports to the two governments, according to the provisions of the treaty, may be expected at an early day.

With Spain, the treaty of February 22d, 1819, has been partly carried into execution. Possession of East and West Florida has been given to the United States, but the officers charged with that service, by an order from his catholic majesty, delivered by his minister to the secretary of state, and transmitted by a special agent to the captain-general of Cuba, to whom it was directed, and in whom the government of those provinces was vested, have not only omitted, in contravention of the order of their sovereign, the performance of the express stipulation to deliver over the archives and documents relating to the property and sovereignty of those provinces, all of which it was expected would have been delivered, either before or when the troops were withdrawn, but defeated, since, every effort of the United States to obtain them, especially those of the greatest importance. This omission has given rise to several incidents of a painful

nature, the character of which will be fully disclosed by the documents which will be hereafter communicated.

In every other circumstance, the law of the 3d of March last, for carrying into effect that treaty, has been duly attended to. For the execution of that part which preserved in force, for the government of the inhabitants, for the term specified, all the civil, military, and judicial powers exercised by the existing government of those provinces, an adequate number of officers, as was presumed, were appointed, and ordered to their respective stations. Both provinces were formed into one territory, and a governor appointed for it; but in consideration of the pre-existing division, and of the distance and difficulty of communication between Pensacola, the residence of the governor of West Florida, and St. Augustine, that of the governor of East Florida, at which places the inconsiderable population of each province was principally collected, two secretaries were appointed, the one to reside at Pensacola, and the other at St. Augustine. Due attention was likewise paid to the execution of the laws of the United States, relating to the revenue and the slave-trade, which were extended to these provinces. The whole territory was divided into three collection districts, that part lying between the river St. Mary's and Cape Florida forming one, that from the cape to the Apalachicola another, and that from the Apalachicola to the Perdido the third. To these districts, the usual number of revenue officers were appointed; and to secure the due operation of these laws, one judge and a district attorney were appointed, to reside at Pensacola, and likewise one judge and district attorney to reside at St. Augustine, with a specified boundary between them; and one marshal for the whole, with authority to appoint a deputy. In carrying this law into effect, and especially that part relating to the powers of the existing government of those provinces, it was thought important, in consideration of the short term for which it was to operate, and the radical change which would be made at the approaching session of Congress, to avoid expense, to make no appointment which should not be absolutely necessary to give effect to those powers, to withdraw none of our citizens from their pursuits, whereby to subject the government to claims which could not be gratified, and the parties to losses which it would be painful to witness.

It has been seen with much concern, that in the performance of these duties a collision arose between the governor of the territory and the judge appointed for the western district. It was presumed that the law under which the transitory government was organized, and the commissions which were granted to the officers who were appointed to execute each branch of the system, and to which the commissions were adapted, would have been understood in the same sense by them in which they were understood by the executive. Much allowance is due to the officers employed in each branch of this system, and the more so, as there is good cause to believe that each acted under a conviction that he possessed the power which he undertook to exercise. Of the officer holding the principal station, I think it proper to observe that he accepted it with reluctance, in compliance with the invitation given him, and from a high sense of duty to his country, being willing to contribute to the consummation of an event which would insure complete protection to an important part of our Union, which had suffered much from incursion and invasion, and to the defence of which his very gallant and patriotic services had been so signally and usefully devoted.

From the intrinsic difficulty of executing laws deriving their origin from different sources, and so essentially different in many important circumstances, the advantage, and indeed the necessity, of establishing, as soon as may be practicable, a well-organized government over that territory, on the principles of our system, is apparent. This subject is therefore recommended to the early consideration of Congress.

In compliance with an injunction of the law of the 3d of March last, three commissioners have also been appointed, and a board organized, for carrying into effect the eleventh article of the treaty above recited, making provision for the payment of such of our citizens as have well-founded claims on Spain, of the character specified by that treaty. This board has entered on its duties, and made some progress therein. The commissioner and surveyor of his catholic majesty, provided for by the fourth article of the treaty, have not yet arrived in the United States, but are soon expected. As soon as they do arrive, corresponding appointments will be made, and every facility be afforded for the due execution of this service.

The government of his most faithful majesty, since the termination of the last session of Congress, has been removed from Rio de Janeiro to Lisbon, where a revolution, similar to that which had occurred in the neighboring kingdom of Spain, had in like manner been sanctioned by the accepted and pledged faith of the reigning monarch. The diplomatic intercourse between the United States and the Portuguese dominions, interrupted by that important event, has not been resumed, but the change of internal administration having alrea ly materially affected the commercial intercourse of the United States with the Portuguese dominions, the renewal of the public missions between the two countries appears to be desirable at an early day.

It is understood that the colonies in South America have had great success, during the present year, in the struggle for their independence. The new government of Colombia has extended its territories, and considerably augmented its strength; and at Buenos Ayres, where civil dissensions had for some time before prevailed, greater harmony and better order appeared to have been established. Equal success has attended their efforts in the provinces on the Pacific. It has long been manifest that it would be impossible for Spain to reduce these colonies by force, and equally so that no conditions short of their independence would be satisfactory to them. It may therefore be presumed, and it is earnestly hoped, that the government of Spain, guided by enlightened and liberal councils, will find it to comport with its interests, and due to its magnanimity, to terminate this exhausting controversy on that basis. To promote this result, by friendly counsel with the government of Spain, will be the object of the government of the United States.

In conducting the fiscal operations of the year, it has been found necessary to carry into full effect the act of the last session of Congress authorizing a loan of five millions of dollars. This sum has been raised at an average premium of five dollars fifty-nine hundredths per centum, upon stock bearing an interest at the rate of five per cent. per annum, redeemable, at the option of the government, after the first day of January, one thousand eight hundred and thirty-five.

There has been issued, under the provisions of this act, four millions seven hundred and thirty-five thousand two hundred and ninety-six dollars thirty cents, of five per cent. stock; and there has been, or will be, redeemed during the year, three millions one hundred and ninety-seven thou-

sand and thirty dollars seventy-one cents of Louisiana six per cent. and deferred stock, and Mississippi stock. There has, therefore, been an actual increase of the public debt, contracted during the year, of one million five hundred and thirty-eight thousand two hundred and sixty-six dollars sixty-nine cents.

The receipts into the treasury, from the first of January to the 30th of September last, have amounted to sixteen millions two hundred and nineteen thousand one hundred and ninety-seven dollars seventy cents, which, with the balance of one million one hundred and ninety-eight thousand four hundred and sixty-one dollars twenty-one cents, in the treasury on the former day, make the aggregate sum of seventeen millions four hundred and seventeen thousand six hundred and fifty-eight dollars and ninety-one cents.

The payments from the treasury during the same period, have amounted to fifteen millions six hundred and fifty-five thousand two hundred and eighty-eight dollars forty-seven cents, leaving in the treasury, on the last-mentioned day, the sum of one million seven hundred and sixty-two thousand three hundred and seventy dollars forty-four cents. It is estimated that the receipts of the fourth quarter of the year will exceed the demands which will be made on the treasury during the same period, and that the amount in the treasury on the 30th of September last will be increased on the first day of January next.

At the close of the last session, it was anticipated that the progressive diminution of the public revenue in 1819 and 1820, which had been the result of the languid state of our foreign commerce in those years, had in the latter year reached its extreme point of depression. It has, however, been ascertained that that point was reached only at the termination of the first quarter of the present year. From that time until the 30th of September last, the duties secured have exceeded those of the corresponding quarters of the last year, one million one hundred and seventy-two thousand dollars; while the amount of debentures, issued during the first three quarters of this year, is nine hundred and fifty-two thousand dollars less than that of the same quarters of the last year.

There are just grounds to believe that the improvement which has occurred in the revenue, during the last-mentioned period, will not only be maintained, but that it will progressively increase through the next and several succeeding years, so as to realize the results which were presented upon that subject, by the official reports of the treasury, at the commencement of the last session of Congress.

Under the influence of the most unfavorable circumstances, the revenue for the next and subsequent years, to the year 1825, will exceed the demands at present authorized by law.

It may fairly be presumed, that under the protection given to domestic manufactures by the existing laws, we shall become, at no distant period, a manufacturing country on an extensive scale. Possessing as we do the raw materials in such vast amount, with a capacity to augment them to an indefinite extent; raising within the country aliment of every kind to an amount far exceeding the demand for home consumption, even in the most unfavorable years, and to be obtained always at a very moderate price; skilled also, as our people are, in the mechanic arts, and in every improvement calculated to lessen the demand for, and the price of, labor, it is manifest that their success in every branch of domestic industry may and will be carried, under the encouragement given by the present duties, to

an extent to meet any demand which under a fair competition may be made on it.

A considerable increase of domestic manufactures, by diminishing the importation of foreign, will probably tend to lessen the amount of the public revenue. As, however, a large proportion of the revenue which is derived from duties is raised from other articles than manufactures, the demand for which will increase with our population, it is believed that a fund will still be raised from that source adequate to the greater part of the national expenditures, especially as those expenditures, should we continue to be blessed with peace, will be diminished by the completion of the fortifications, dock-yards, and other public works; but the augmentation of the navy to the point to which it is proposed to carry it; and by the payment of the public debt, including pensions for military services.

It can not be doubted that the more complete our internal resources, and the less dependent we are on foreign powers for every national as well as domestic purpose, the greater and more stable will be the public felicity. By the increase of domestic manufactures will the demand for the rude materials at home be increased, and thus will the dependence of the several parts of our Union on each other, and the strength of the Union itself, be proportionably augmented. In this process, which is very desirable and inevitable under the existing duties, the resources which obviously present themselves to supply a deficiency in the revenue, should it occur, are the interests which may derive the principal benefit from the change. If domestic manufactures are raised by duties on foreign, the deficiency in the fund necessary for public purposes should be supplied by duties on the former. At the last session it seemed doubtful whether the revenue derived from the present sources would be adequate to all the great purposes of our Union, including the construction of our fortifications, the augmentation of our navy, and the protection of our commerce against the dangers to which it is exposed. Had the deficiency been such as to subject us to the necessity either to abandon those measures of defence or to resort to other means for adequate funds, the cause presented to the adoption of a virtuous and enlightened people appeared to be a plain one. It must be gratifying to all to know that this necessity does not exist. Nothing, however, in contemplation of such important objects, which can be easily provided for, should be left to hazard. It is thought that the revenue may receive an augmentation from the existing sources, and in a manner to aid our manufactures, without hastening prematurely the result which has been suggested. It is believed that a moderate additional duty on certain articles would have that effect, without being liable to any serious objection.

The examination of the whole coast, for the construction of permanent fortifications, from St. Croix to the Sabine, with the exception of part of the territory lately acquired, will be completed in the present year, as will be the survey of the Mississippi under the resolution of the house of representatives, from the mouth of the Ohio to the ocean, and likewise of the Ohio, from Louisville to the Mississippi. A progress corresponding with the sums appropriated has also been made in the construction of these fortifications at the points designated. As they will form a system of defence for the whole maritime frontier, and in consequence for the interior, and are to last for ages, the utmost care has been taken to fix the position of each work, and to form it on such a scale as will be adequate to the purpose intended by it. All the inlets and assailable parts of our Union have

been minutely examined, and positions taken with a view to the best effect, observing in every instance a just regard for economy. Doubts, however, being entertained as to the propriety of the position and extent of the work at Dauphine island, further progress in it was suspended soon after the last session of Congress, and an order given to the board of engineers and naval commissioners to make a further and more minute examination of it in both respects, and to report the result without delay.

Due progress has been made in the construction of vessels-of-war, according to the law providing for the gradual augmentation of the navy, and to the extent of existing appropriations. The vessels authorized by the act of 1820 have all been completed, and are now in actual service. None of the larger ships have been or will be launched for the present, the object being to protect all which may not be required for immediate service from decay, by suitable buildings erected over them. A squadron has been maintained, as heretofore, in the Mediterranean, by means whereof peace has been preserved with the Barbary powers. This squadron has been reduced the present year to as small a force as is compatible with the fulfilment of the object intended by it. From past experience and the best information respecting the views of those powers, it is distinctly understood that should our squadron be withdrawn they would soon recommence their hostilities and depredations on our commerce. Their fortifications have been lately rebuilt and their maritime force increased. It has also been found necessary to maintain a naval force in the Pacific, for the protection of the very important interests of our citizens engaged in commerce and the fisheries in that sea. Vessels have likewise been employed in cruising along the Atlantic coast, in the gulf of Mexico, on the coast of Africa, and in the neighboring seas. In the latter, many piracies have been committed on our commerce, and so extensive was becoming the range of those unprincipled adventurers, that there was cause to apprehend, without a timely and decisive effort to suppress them, the worst consequences would ensue. Fortunately a considerable check has been given to that spirit by our cruisers, who have succeeded in capturing and destroying several of their vessels. Nevertheless it is considered an object of high importance to continue these cruisers until the practice is entirely suppressed. Like successes have attended our efforts to suppress the slave-trade. Under the flag of the United States and the sanction of their papers, the trade may be considered as entirely suppressed, and if any of our citizens are engaged in it under the flags and papers of other powers, it is only from a respect to the rights of those powers that these offenders are not seized and brought home, to receive the punishment which the laws inflict. If every other power should adopt the same policy, and pursue the same vigorous means for carrying it into effect, the trade could no longer exist.

Deeply impressed with the blessings which we enjoy, and of which we have such manifold proofs, my mind is irresistibly drawn to that Almighty being, the great source from whence they proceed, and to whom our most grateful acknowledgments are due.

SIXTH ANNUAL MESSAGE.

DECEMBER 3, 1822.

Fellow-Citizens of the Senate and House of Representatives:—

MANY causes unite to make your present meeting peculiarly interesting to our constituents. The operation of our laws on the various subjects to which they apply, with the amendments which they occasionally require, imposes annually an important duty on the representatives of a free people. Our system has happily advanced to such maturity that I am not aware that your cares in that respect will be augmented. Other causes exist which are highly interesting to the whole civilized world, and to no portion of it more so, in certain views, than to the United States. Of these causes, and of their bearing on the interests of our Union, I shall communicate the sentiments which I have formed with that freedom which a sense of duty dictates. It is proper, however, to invite your attention in the first instance to those concerns respecting which legislative provision is thought to be particularly urgent.

On the 24th of June last, a convention of navigation and commerce was concluded in this city between the United States and France, by ministers duly authorized for the purpose. The sanction of the executive having been given to this convention under a conviction that, taking all its stipulations into view, it rested essentially on a basis of reciprocal and equal advantage, I deemed it my duty, in compliance with the authority vested in the executive by the second section of the act of the last session, of the 6th of May, concerning navigation, to suspend by proclamation, until the end of the next session of Congress, the operation of the act entitled, "An act to impose a new tonnage duty on French ships and vessels, and for other purposes," and to suspend, likewise, all other duties on French vessels, or the goods imported in them, which exceeded the duties on American vessels, and on similar goods imported in them. I shall submit this convention forthwith to the senate for its advice and consent as to the ratification.

Since your last session, the prohibition which had been imposed on the commerce between the United States and the British colonies, in the West Indies and on this continent, has likewise been removed. Satisfactory evidence having been adduced that the ports of those colonies had been opened to the vessels of the United States by an act of the British parliament, bearing date on the 24th of June last, on the conditions specified therein, I deemed it proper, in compliance with the provision of the first section of the act of the last session above recited, to declare, by proclamation bearing date the 24th of August last, that the ports of the United States should thenceforward and until the end of the next session of Congress, be open to the vessels of Great Britain employed in that trade, under the limitation specified in that proclamation.

A doubt was entertained whether the act of Congress applied to the British colonies on this continent as well as to those in the West Indies but as the act of parliament opened the intercourse equally with both, and it was the manifest intention of Congress, as well as the obvious policy of the United States, that the provisions of the act of parliament should be met in equal extent on the part of the United States, and as also the act of Congress was supposed to vest in the president some discretion in

the execution of it, I thought it advisable to give it a corresponding construction.

Should the constitutional sanction of the senate be given to the ratification of the convention with France, legislative provisions will be necessary to carry it fully into effect, as it likewise will be to continue in force, on such conditions as may be deemed just and proper, the intercourse which has been opened between the United States and the British colonies. Every light in the possession of the executive will in due time be communicated on both subjects.

Resting essentially on a basis of reciprocal and equal advantage, it has been the object of the executive, in transactions with other powers, to meet the propositions of each with a liberal spirit, believing that thereby the interest of our country would be most effectually promoted. This course has been systematically pursued in the late occurrences with France and Great Britain, and in strict accord wit the views of the legislature. A confident hope is entertained that, by the arrangement thus commenced with each, all differences respecting navigation and commerce with the dominions in question will be adjusted, and a solid foundation laid for an active and permanent intercourse which will prove equally advantageous to both parties.

The decision of his imperial majesty, the emperor of Russia, on the question submitted to him by the United States and Great Britain, concerning the construction of the first article of the treaty of Ghent, has been received. A convention has since been concluded between the parties, under the mediation of his imperial majesty, to prescribe the mode by which that article shall be carried into effect in conformity with that decision. I shall submit this convention to the senate for its advice and consent as to the ratification, and if obtained, shall immediately bring the subject before Congress for such provisions as may require the interposition of the legislature.

In compliance with an act of the last session, a territorial government has been established in Florida on the principles of our system. By this act, the inhabitants are secured in the full enjoyment of their rights and liberties, and to admission into the Union, with equal participation in the government with the original states, on the conditions heretofore prescribed to other territories. By a clause in the ninth article of the treaty with Spain, by which that territory was ceded to the United States, it is stipulated that satisfaction shall be made for the injuries, if any, which by process of law shall be established to have been suffered by the Spanish officers and individual Spanish inhabitants by the late operations of our troops in Florida. No provision having yet been made to carry that stipulation into effect, it is submitted to the consideration of Congress whether it will not be proper to vest the competent power in the district court at Pensacola, or in some tribunal to be specially organized for that purpose.

The fiscal operations of the year have been more successful than had been anticipated at the commencement of the last session of Congress.

The receipts into the treasury during the first three quarters of the year have exceeded the sum of fourteen millions seven hundred and forty-five thousand dollars. The payments made at the treasury, during the same period, have exceeded twelve millions two hundred and seventy-nine thousand dollars, leaving in the treasury on the 30th day of September last (including one million one hundred and sixty-eight thousand five hundred and ninety-two dollars twenty-four cents, which were in the

treasury on the first day of January last), a sum exceeding four millions one hundred and twenty-eight thousand dollars.

Besides discharging all demands for the current service of the year, including the interest and the reimbursement of the public debt, the six per cent. stock of 1796, amounting to eighty thousand dollars, has been redeemed. It is estimated that, after defraying the current expenses of the present quarter, and redeeming the two millions of six per cent. stock of 1820, there will remain in the treasury, on the first day of January next, nearly three millions of dollars. It is estimated that the gross amount of duties which have been secured, from the 1st of January to the 30th of September last, has exceeded nineteen millions five hundred thousand dollars, and the amount for the whole year will probably not fall short of twenty-three millions of dollars.

Of the actual force in service under the present military establishment, the posts at which it is stationed, and the condition of each post, a report from the secretary of war, which is now communicated, will give a distinct idea. By like reports, the state of the academy at West Point will be seen, as will be the progress which has been made on the fortifications along the coasts, and at the public armories and arsenals.

The position on the Red river, and that at the Sault of St. Marie, are the only new posts that have been taken. These posts, with those already occupied in the interior, are thought to be well adapted to the protection of our frontiers. All the force not placed in the garrisons along the coast and in the ordnance dépôts, and indispensably necessary there, is placed on the frontiers.

The organization of the several corps composing the army is such as to admit its expansion to a great extent in case of emergency, the officers carrying with them all the light which they possess to the new corps to which they might be appointed.

With the organization of the staff there is equal cause to be satisfied. By the concentration of every branch with its chief in this city, in the presence of the department, and with a grade in the chief military station to keep alive and cherish a military spirit, the greatest promptitude in the execution of orders, with the greatest economy and efficiency, are secured. The same view is taken of the military academy. Good order is preserved in it, and the youth are well instructed in every science connected with the great objects of the institution. They are also well trained and disciplined in the practical parts of the profession. It has always been found difficult to control the ardor inseparable from that early age in such manner as to give it a proper direction. The rights of manhood are too often claimed prematurely, in pressing which too far, the respect which is due to age and the obedience necessary to a course of study and instruction in every such institution, are sometimes lost sight of. The great object to be accomplished is the restraint of that ardor by such wise regulations and government as, by directing all the energies of the youthful mind to the attainment of useful knowledge, will keep it within a just subordination and at the same time elevate it to the highest purposes. This object seems to be essentially obtained in this institution, and with great advantage to the Union.

The military academy forms the basis, in regard to science, on which the military establishment rests. It furnishes annually, after due examination, and on the report of the academic staff, many well-informed youths to fill the vacancies which occur in the several corps of the army, while

others, who retire to private life, carry with them such attainments as, under the right reserved to the several states to appoint the officers and to train the militia, will enable them, by affording a wider field for selection, to promote the great object of the power vested in Congress of providing for the organizing, arming, and disciplining the militia. Thus, by the mutual and harmonious co-operation of the two governments, in the execution of a power divided between them, an object always to be cherished, the attainment of a great result, on which our liberties may depend, can not fail to be secured. I have to add, that in proportion as our regular force is small, should the instruction and discipline of the militia, the great resource on which we rely, be pushed to the utmost extent that circumstances will admit.

A report from the secretary of the navy will communicate the progress which has been made in the construction of vessels-of-war, with other interesting details respecting the actual state of the affairs of that department. It has been found necessary, for the protection of our commerce, to maintain the usual squadrons in the Mediterranean, the Pacific, and along the Atlantic coast, extending the cruises of the latter into the West Indies, where piracy, organized into a system, has preyed on the commerce of every country trading thither. A cruise has also been maintained on the coast of Africa, when the season would permit, for the suppression of the slave-trade; and orders have been given to the commanders of all our public ships to seize our own vessels, should they find any engaged in that trade, and to bring them in for adjudication.

In the West Indies piracy is of a recent date, which may explain the cause why other powers have not combined against it. By the documents communicated, it will be seen that the efforts of the United States to suppress it have had a very salutary effect. The benevolent provision of the act, under which the protection has been extended alike to the commerce of other nations, can not fail to be duly appreciated by them.

In compliance with the act of last session, entitled, "An act to abolish the United States' trading establishments," agents were immediately appointed, and instructed, under the direction of the secretary of the treasury, to close the business of the trading-houses among the Indian tribes and to settle the accounts of the factors and sub-factors engaged in that trade, and to execute, in all other respects, the injunctions of that act in the mode prescribed therein. A final report of their proceedings shall be communicated to Congress as soon as it is received.

It is with regret I have to state that a serious malady has deprived us of many valuable citizens at Pensacola, and checked the progress of some of those arrangements which are important to the territory. This effect has been sensibly felt in respect to the Indians who inhabit that territory, consisting of the remnants of several tribes who occupy the middle ground, between St. Augustine and Pensacola, with extensive claims but undefined boundaries. Although peace is preserved with those Indians, yet their position and claims tend essentially to interrupt the intercourse between the eastern and western parts of the territory, on which our inhabitants are principally settled. It is essential to the growth and prosperity of the territory, as well as to the interests of the Union, that these Indians should be removed, by special compact with them, to some other position, or concentrated within narrower limits where they are. With the limited means in the power of the executive, instructions were given to the governor to accomplish this object, so far as it might be practicable, which

was prevented by the distressing malady referred to. To carry it fully into effect, in either mode, additional funds will be necessary, to the provision of which, the powers of Congress alone are competent. With a view to such provisions as may be deemed proper, the subject is submitted to your consideration, and in the interim further proceedings are suspended.

It appearing that so much of the act entitled, "An act regulating the staff of the army," which passed on the 14th of April, 1818, as relates to the commissariat, will expire in April next, and the practical operation of that department having evinced its great utility, the propriety of its renewal is submitted to your consideration.

The view which has been taken of the probable productiveness of the lead mines, connected with the importance of the material to the public defence, makes it expedient that they should be managed with peculiar care. It is therefore suggested, whether it will not comport with the public interest to provide by law for the appointment of an agent skilled in mineralogy to superintend them, under the direction of the proper department.

It is understood that the Cumberland road, which was constructed at a great expense, has already suffered from the want of that regular superintendence and of those repairs which are indispensable to the preservation of such a work. This road is of incalculable advantage in facilitating the intercourse between the western and the Atlantic states. Through it, the whole country, from the northern extremity of Lake Erie to the Mississippi, and from all the waters which empty into each, finds an easy and direct communication to the seat of government, and thence to the Atlantic. The facility which it affords to all military and commercial operations, and also to those of the postoffice department, can not be estimated too highly. This great work is likewise an ornament and an honor to the nation. Believing that a competent power to adopt and execute a system of internal improvement has not been granted to Congress, but that such a power, confined to great national purposes, and with proper limitations, would be productive of eminent advantage to our Union, I have thought it advisable that an amendment of the constitution to that effect should be recommended to the several states. A bill which assumed the right to adopt and execute such a system, having been presented for my signature at the last session, I was compelled, from the view which I had taken of the powers of the general government, to negative it, on which occasion I thought it proper to communicate the sentiments which I had formed, on mature consideration, on the whole subject. To that communication, in all the views in which the great interest to which it relates may be supposed to merit your attention, I have now to refer. Should Congress, however, deem it improper to recommend such an amendment, they have, according to my judgment, the right to keep the road in repair, by providing for the superintendence of it, and appropriating the money necessary for repairs. Surely, if they had a right to appropriate money to make the road, they have a right to appropriate it to preserve the road from ruin. From the exercise of this power no danger is to be apprehended. Under our happy system, the people are the sole and exclusive fountain of power. Each government originates from them, and to them alone, each to its proper constituents, are they respectively and solely responsible for the faithful discharge of their duty, within their constitutional limits. And that the people will confine their public agents, of every station, to the strict line of their constitutional duties, there is no cause to doubt. Having,

however, communicated my sentiments to Congress at the last session fully, in the document to which I have referred, respecting the right of appropriation as distinct from the right of jurisdiction and sovereignty over the territory in question, I deem it improper to enlarge on the subject here.

From the best information that I have been able to obtain, it appears that our manufactures, though depressed immediately after the peace, have considerably increased, and are still increasing, under the encouragement given them by the tariff of 1816, and by subsequent laws. Satisfied I am, whatever may be the abstract doctrine in favor of unrestricted commerce, provided all nations would concur in it and it was not liable to be interrupted by war, which has never occurred and can not be expected, that there are other strong reasons applicable to our situation and relations with other countries, which impose on us the obligation to cherish and sustain our manufactures. Satisfied, however, I am, likewise, that the interest of every part of our Union, even of those most benefited by manufactures, requires that this subject should be touched with the greatest caution, and a critical knowledge of the effect to be produced by the slightest change. On full consideration of the subject, in all its relations, I am persuaded that a further augmentation may now be made of the duties on certain foreign articles, in favor of our own, and without affecting injuriously any other interest. For more precise details, I refer you to the communications which were made to Congress during the last session.

So great was the amount of accounts for moneys advanced during the late war, in addition to others of a previous date, which in the regular operations of the government necessarily remained unsettled, that it requires a considerable length of time for their adjustment. By a report from the first comptroller of the treasury it appears that, on the 4th of March, 1817, the accounts then unsettled amounted to one hundred and three millions sixty-eight thousand eight hundred and seventy-six dollars and forty-one cents, of which, on the 30th of September of the present year, ninety-three millions one hundred and seventy-five thousand three hundred and ninety-six dollars and fifty-six cents had been settled; leaving on that day a balance unsettled of nine millions eight hundred and ninety-three thousand four hundred and seventy-nine dollars and eighty-five cents. That there have been drawn from the treasury, in paying the public debt and sustaining the government in all its operations and disbursements, since the 4th of March, 1817, one hundred and fifty-seven millions one hundred and ninety thousand three hundred and eighty dollars and ninety-six cents, the accounts for which have been settled to the amount of one hundred and thirty-seven millions five hundred and one thousand four hundred and fifty-one dollars and twelve cents; leaving a balance unsettled of nineteen millions six hundred and ninety-seven thousand nine hundred and twenty-nine dollars and eighty-four cents. For precise details respecting each of these balances, I refer to the report of the comptroller, and the documents which accompany it.

From this view, it appears that our commercial differences with France and Great Britain have been placed in a train of amicable arrangement, on conditions fair and honorable, in both instances, to each party; that our finances are in a very productive state, our revenue being at present fully competent to all demands upon it; that our military force is well organized in all its branches, and capable of rendering the most important service in case of emergency that its number will admit of; that due

progress has been made, under existing appropriations, in the construction of fortifications and in the operation of the ordnance department; that due progress has in like manner been made in the construction of ships-of-war; that our navy is in the best condition, felt and respected in every sea in which it is employed for the protection of our commerce; that our manufactures have augmented in amount and improved in quality; that great progress has been made in the settlement of accounts, and in the recovery of the balances due by individuals; and that the utmost economy is secured and observed in every department of the administration.

Other objects will likewise claim your attention; because, from the station which the United States hold, as a member of the great community of nations, they have rights to maintain, duties to perform, and dangers to encounter.

A strong hope was entertained that peace would, ere this, have been concluded between Spain and the independent governments south of the United States in this hemisphere. Long experience having evinced the competency of those governments to maintain the independence which they had declared, it was presumed that the considerations which induced their recognition by the United States would have had equal weight with other powers, and that Spain herself, yielding to those magnanimous feelings of which her history furnishes so many examples, would have terminated, on that basis, a controversy so unavailing, and at the same time so destructive. We still cherish the hope that this result will not long be postponed.

Sustaining our neutral position, and allowing to each party, while the war continues, equal rights, it is incumbent on the United States to claim of each, with equal rigor, the faithful observance of our rights, according to the well-known law of nations. From each, therefore, a like co-operation is expected in the suppression of the piratical practice which has grown out of this war, and the blockades of extensive coasts on both seas which, considering the small force employed to sustain them, have not the slightest foundation to rest on.

Europe is still unsettled, and although the war long menaced between Russia and Turkey has not broken out, there is no certainty that the differences between those powers will be amicably adjusted. It is impossible to look to the oppressions of the country, respecting which those differences arose, without being deeply affected. The mention of Greece fills the mind with the most exalted sentiments, and arouses in our bosoms the best feelings of which our nature is susceptible. Superior skill and refinement in the arts, heroic gallantry in action, disinterested patriotism, enthusiastic zeal and devotion in favor of public and personal liberty, are associated with our recollections of ancient Greece. That such a country should have been overwhelmed and so long hidden, as it were, from the world, under a gloomy despotism, has been a cause of unceasing and deep regret to generous minds for ages past. It was natural, therefore, that the reappearance of those people in their original character, contending in favor of their liberties, should produce that great excitement and sympathy in their favor which have been so signally displayed throughout the United States. A strong hope is entertained that these people will recover their independence, and resume their equal station among the nations of the earth.

A great effort has been made in Spain and Portugal to improve the condition of the people, and it must be very consoling to all benevolent minds

to see the extraordinary moderation with which it has been conducted. That it may promote the happiness of both nations is the ardent wish of this whole people, to the expression of which we confine ourselves; for whatever may be the feelings or sentiments which every individual under our government has a right to indulge and express, it is nevertheless a sacred maxim, equally with the government and people, that the destiny of every independent nation, in what relates to such improvements, of right belongs and ought to be left exclusively to themselves.

Whether we reason from the late wars, or from those menacing symptoms which now appear in Europe, it is manifest, that if a convulsion should take place in any of those countries, it will proceed from causes which have no existence and are utterly unknown in these states, in which there is but one order, that of the people, to whom the sovereignty exclusively belongs. Should war break out in any of those countries, who can foretell the extent to which it may be carried, or the desolation which it may spread? Exempt as we are from these causes, our internal tranquillity is secure; and distant as we are from the troubled scene, and faithful to first principles in regard to other powers, we might reasonably presume that we should not be molested by them. This, however, ought not to be calculated on as certain. Unprovoked injuries are often inflicted, and even the peculiar felicity of our situation might, with some, be a cause for excitement and aggression. The history of the late wars in Europe furnishes a complete demonstration that no system of conduct, however correct in principle, can protect neutral powers from injury from any party; that a defenceless position and distinguished love of peace are the surest invitations to war; and that there is no way to avoid it other than by being always prepared, and willing for a just cause to meet it. If there be a people on earth whose more especial duty it is to be at all times prepared to defend the rights with which they are blessed, and to surpass all others in sustaining the necessary burdens, and in submitting to sacrifices to make such preparations, it is undoubtedly the people of these states.

When we see that a civil war of the most frightful character rages from the Adriatic to the Black sea; that strong symptoms of war appear in other parts, proceeding from causes which, should it break out, may become general and be of long duration; that the war still continues between Spain and the independent governments, her late provinces in this hemisphere; that it is likewise menaced between Portugal and Brazil, in consequence of the attempt of the latter to dismember itself from the former; and that a system of piracy of great extent is maintained in the neighboring seas, which will require equal vigilance and decision to suppress it; the reasons for sustaining the attitude which we now hold, and for pushing forward all our measures of defence with the utmost vigor, appear to me to acquire new force.

The United States owe to the world a great example, and, by means thereof, to the cause of liberty and humanity a generous support. They have so far succeeded to the satisfaction of the virtuous and enlightened of every country. There is no reason to doubt that their whole movement will be regulated by a sacred regard to principle, all our institutions being founded on that basis. The ability to support our own cause, under any trial to which it may be exposed, is the great point on which the public solicitude rests. It has been often charged against free governments that they have neither the foresight nor the virtue to provide at the proper season for great emergencies; that their course is improvident and ex-

pensive; that war will always find them unprepared, and whatever may be its calamities, that its terrible warnings will be disregarded and forgotten as soon as peace returns. I have full confidence that this charge, so far as relates to the United States, will be shown to be utterly destitute of truth.

SEVENTH ANNUAL MESSAGE.

DECEMBER 2, 1823.

To the Senate and House of Representatives of the United States:—

MANY important subjects will claim your attention during the present session, of which I will endeavor to give, in aid of your deliberations, a just idea in this communication. I undertake this duty with diffidence, from the vast extent of the interests on which I have to treat, and of their great importance to every part of our Union. I enter on it with zeal, from a thorough conviction that there never was a period, since the establishment of our revolution, when, regarding the condition of the civilized world, and its bearings on us, there was greater necessity for devotion in the public servants to their respective duties, or for virtue, patriotism, and union, in our constituents.

Meeting in you a new Congress, I deem it proper to present this view of public affairs in greater detail than might otherwise be necessary. I do it, however, with peculiar satisfaction, from a knowledge that in this respect I shall comply more fully with the sound principles of our government. The people being with us exclusively the sovereigns, it is indispensable that full information be laid before them on all important subjects, to enable them to exercise that high power with complete effect. If kept in the dark, they must be incompetent to it. We are all liable to error, and those who are engaged in the management of public affairs are more subject to excitement, and to be led astray by their particular interests and passions, than the great body of our constituents, who, being at home in the pursuit of their ordinary avocations, are calm but deeply-interested spectators of events, and of the conduct of those who are parties to them. To the people every department of the government, and every individual in each, are responsible, and the more full their information, the better they can judge of the wisdom of the policy pursued and of the conduct of each in regard to it. From their dispassionate judgment, much aid may be always obtained, while their approbation will form the greatest incentive and most gratifying reward for virtuous actions, and the dread of their censure the best security against the abuse of their confidence. Their interests, in all vital questions, are the same, and the bond, by sentiment as well as by interest, will be proportionably strengthened as they are better informed of the real state of public affairs, especially in difficult conjunctures. It is by such knowledge that local prejudices and jealousies are surmounted, and that a national policy, extending its fostering care and protection to all the great interests of our Union, is formed and steadily adhered to.

A precise knowledge of our relations with foreign powers, as respects our negotiations and transactions with each, is thought to be particularly necessary. Equally necessary is it that we should form a just estimate of our resources, revenue, and progress in every kind of improvement con-

nected with the national prosperity and public defence. It is by rendering justice to other nations that we may expect it from them. It is by our ability to resent injuries, and redress wrongs, that we may avoid them.

The commissioners under the fifth article of the treaty of Ghent having disagreed in their opinions respecting that portion of the boundary between the territories of the United States and of Great Britain, the establishment of which had been submitted to them, have made their respective reports, in compliance with that article, that the same might be referred to the decision of a friendly power. It being manifest, however, that it would be difficult, if not impossible, for any power to perform that office, without great delay and much inconvenience to itself, a proposal has been made by this government, and acceded to by that of Great Britain, to endeavor to establish that boundary by amicable negotiation. It appearing, from long experience, that no satisfactory arrangement could be formed of the commercial intercourse between the United States and the British colonies in this hemisphere by legislative acts, while each party pursued its own course without agreement or concert with the other, a proposal has been made to the British government to regulate this commerce by treaty, as it has been to arrange, in like manner, the just claim of the citizens of the United States, inhabiting the states and territories bordering on the lakes and rivers which empty into the St. Lawrence, to the navigation of that river to the ocean. For these and other objects of high importance to the interests of both parties, a negotiation has been opened with the British government, which it is hoped will have a satisfactory result.

The commissioners under the sixth and seventh articles of the treaty of Ghent, having successfully closed their labors in relation to the sixth, have proceeded to the discharge of those relating to the seventh. Their progress in the extensive survey required for the performance of their duties, justifies the presumption that it will be completed in the ensuing year.

The negotiation which had long been depending with the French government on several important subjects, and particularly for a just indemnity for losses sustained in the late wars by citizens of the United States, under unjustifiable seizures and confiscations of their property, has not as yet had the desired effect. As this claim rests on the same principle with others which have been admitted by the French government, it is not perceived on what just ground it can be rejected. A minister will be immediately appointed to proceed to France, and resume the negotiation on this and other subjects which may arise between the two nations.

At the proposal of the Russian imperial government, made through the minister of the emperor residing here, a full power and instructions have been transmitted to the minister of the United States at St. Petersburgh, to arrange, by amicable negotiation, the respective rights and interests of the two nations on the northwest coast of this continent. A similar proposal had been made by his imperial majesty to the government of Great Britain, which has likewise been acceded to. The government of the United States has been desirous, by this friendly proceeding, of manifesting the great value which they have invariably attached to the friendship of the emperor, and their solicitude to cultivate the best understanding with his government. In the discussions to which this interest has given rise, and in the arrangements by which they may terminate, the occasion has been judged proper for asserting, as a principle in which the rights and interests

of the United States are involved, that the American continents, by the free and independent condition which they have assumed and maintain, are henceforth not to be considered as subjects for future colonization by any European powers.

Since the close of the last session of Congress, the commissioners and arbitrators for ascertaining and determining the amount of indemnification which may be due to citizens of the United States, under the decision of his imperial majesty the emperor of Russia, in conformity to the convention concluded at St. Petersburgh on the 12th of July, 1822, have assembled in this city, and organized themselves as a board for the performance of the duties assigned to them by that treaty. The commission constituted under the eleventh article of the treaty of the 22d of February, 1819, between the United States and Spain, is also in session here; and as the term of three years, limited by the treaty for the execution of the trust, will expire before the period of the next regular meeting of Congress, the attention of the legislature will be drawn to the measures which may be necessary to accomplish the objects for which the commission was instituted.

In compliance with a resolution of the house of representatives, adopted at their last session, instructions have been given to all the ministers of the United States, accredited to the powers of Europe and America, to propose the proscription of the African slave-trade, by classing it under the denomination, and inflicting on its perpetrators the punishment of piracy. Should this proposal be acceded to, it is not doubted that this odious and criminal practice will be promptly and entirely suppressed. It is earnestly hoped that it will be acceded to, from the firm belief that it is the most effectual expedient that can be adopted for the purpose.

At the commencement of the recent war between France and Spain, it was declared by the French government that it would grant no commissions to privateers, and that neither the commerce of Spain herself, nor of neutral nations, should be molested by the naval force of France, except in the breach of a lawful blockade. This declaration, which appears to have been faithfully carried into effect, concurring with principles proclaimed and cherished by the United States from the first establishment of their independence, suggested the hope that the time had arrived when the proposal for adopting it as a permanent and invariable rule in all future maritime wars might meet the favorable consideration of the great European powers. Instructions have accordingly been given to our ministers with France, Russia, and Great Britain, to make those proposals to their respective governments; and when the friends of humanity reflect on the essential amelioration to the condition of the human race which would result from the abolition of private war on the sea, and on the great facility by which it might be accomplished, requiring only the consent of a few sovereigns, an earnest hope is indulged that these overtures will meet with an attention animated by the spirit in which they were made, and that they will ultimately be successful.

The ministers who were appointed to the republics of Colombia and Buenos Ayres, during the last session of Congress, proceeded shortly afterward to their destinations. Of their arrival there official intelligence has not yet been received. The minister appointed to the republic of Chili will sail in a few days. An early appointment will also be made to Mexico. A minister has been received from Colombia, and the other governments have been informed that ministers, or diplomatic agents of infe-

rior grade, would be received from each, accordingly as they might prefer the one or the other.

The minister appointed to Spain proceeded, soon after his appointment for Cadiz, the residence of the sovereign to whom he was accredited. In approaching that port, the frigate which conveyed him was warned off by the commander of the French squadron by which it was blockaded, and not permitted to enter, although apprized by the captain of the frigate of the public character of the person whom he had on board, the landing of whom was the sole object of his proposed entry. This act being considered an infringement of the rights of ambassadors and of nations, will form a just cause of complaint to the government of France against the officer by whom it was committed.

The actual condition of the public finances more than realizes the favorable anticipations that were entertained of it at the opening of the last session of Congress. On the first of January, there was a balance in the treasury of four millions two hundred and thirty-seven thousand four hundred and twenty-seven dollars and fifty-five cents. From that time to the 30th of September, the receipts amounted to upward of sixteen millions one hundred thousand dollars, and the expenditures, to eleven millions four hundred thousand dollars. During the fourth quarter of the year it is estimated that the receipts will at least equal the expenditures, and that there will remain in the treasury, on the first day of January next, a surplus of nearly nine millions of dollars.

On the first of January, 1825, a large amount of the war debt and a part of the revolutionary debt become redeemable. Additional portions of the former will continue to become redeemable annually, until the year 1835. It is believed, however, that, if the United States remain at peace, the whole of that debt may be redeemed by the ordinary revenue of those years during that period, under the provision of the act of March 3d, 1817, creating the sinking fund; and in that case, the only part of the debt that will remain, after the year 1835, will be the seven millions of five per cent. stock subscribed to the bank of the United States, and the three per cent. revolutionary debt, amounting to thirteen millions two hundred and ninety-six thousand and ninety-nine dollars and six cents; both of which are redeemable at the pleasure of the government.

The state of the army, in its organization and discipline, has been gradually improving for several years, and has now attained a high degree of perfection. The military disbursements have been regularly made, and the accounts regularly and promptly rendered for settlement. The supplies of various descriptions have been of good quality, and regularly issued at all of the posts. A system of economy and accountability has been introduced into every branch of the service, which admits of little additional improvement. This desirable state has been attained by the act reorganizing the staff of the army, passed on the 14th of April, 1818.

The moneys appropriated for fortifications have been regularly and economically applied, and all the works advanced as rapidly as the amount appropriated would admit. Three important works will be completed in the course of this year, that is, Fort Washington, Fort Delaware, and the fort at the Rigolets, in Louisiana.

The board of engineers and the topographical corps have been in constant and active service, in surveying the coast and projecting the works necessary for its defence.

The military academy has attained a degree of perfection in its disci-

pline and instruction equal, as is believed, to any institution of its kind in any country.

The money appropriated for the use of the ordnance department has been regularly and economically applied. The fabrication of arms at the national armories, and by contract with the department, has been gradually improving in quality and cheapness. It is believed that their quality is now such as to admit of but little improvement.

The completion of the fortifications renders it necessary that there should be a suitable appropriation for the purpose of fabricating the cannon and carriages necessary for those works.

Under the appropriation of five thousand dollars for exploring the western waters for the location of a site for a western armory, a commission was constituted, consisting of Colonel McRee, Colonel Lee, and Captain Talcott, who have been engaged in exploring the country. They have not yet reported the result of their labors, but it is believed that they will be prepared to do it at an early part of the session of Congress.

During the month of June last, General Ashley and his party, who were trading under a license from the government, were attacked by the Ricarees, while peaceably trading with the Indians at their request. Several of the party were killed and wounded, and their property taken or destroyed.

Colonel Leavenworth, who commanded Fort Atkinson, at the Council Bluff, the most western post, apprehending that the hostile spirit of the Ricarees would extend to other tribes in that quarter, and that thereby the lives of the traders on the Missouri, and the peace of the frontier, would be endangered, took immediate measures to check the evil.

With a detachment of the regiment stationed at the Bluff, he successfully attacked the Ricaree village, and it is hoped that such an impression has been made on them, as well as on the other tribes of the Missouri, as will prevent a recurrence of future hostility.

The report of the secretary of war, which is herewith transmitted, will exhibit in greater detail the condition of the department in its various branches, and the progress which has been made in its administration during the first three quarters of the year.

I transmit a return of the militia of the several states, according to the last reports which have been made by the proper officers in each, to the department of war. By reference to this return it will be seen that it is not complete, although great exertions have been made to make it so. As the defence and even the liberties of the country must depend in times of imminent danger on the militia, it is of the highest importance that it be well organized, armed, and disciplined, throughout the Union. The report of the secretary of war shows the progress made during the first three quarters of the present year, by the application of the fund appropriated for arming the militia. Much difficulty is found in distributing the arms according to the act of Congress providing for it, from the failure of the proper department in many of the states to make regular returns. The act of May the 12th, 1820, provides that the system of tactics and regulations of the various corps of the regular army shall be extended to the militia. This act has been very imperfectly executed from the want of uniformity in the organization of the militia, proceeding from the defects of the system itself, and especially in its application to the main arm of the public defence. It is thought that this important subject, in all its branches, merits the attention of Congress.

The report of the secretary of the navy, which is now communicated, furnishes an account of the administration of that department for the first three quarters of the present year, with the progress made in augmenting the navy, and the manner in which the vessels in commission have been employed.

The usual force has been maintained in the Mediterranean sea, the Pacific ocean, and along the Atlantic coast, and has afforded the necessary protection to our commerce in those seas.

In the West Indies and the gulf of Mexico, our naval force has been augmented by the addition of several small vessels, provided for by the "act authorizing an additional naval force for the suppression of piracy," passed by Congress at their last session. That armament has been eminently successful in the accomplishment of its object. The piracies by which our commerce in the neighborhood of the island of Cuba had been afflicted have been repressed, and the confidence of our merchants in a great measure restored.

The patriotic zeal and enterprise of Commodore Porter, to whom the command of the expedition was confided, has been fully seconded by the officers and men under his command. And in reflecting with high satisfaction on the honorable manner in which they have sustained the reputation of their country and its navy, the sentiment is alloyed only by a concern that, in the fulfilment of that arduous service, the diseases incident to the season, and to the climate in which it was discharged, have deprived the nation of many useful lives, and among them, of several officers of great promise.

In the month of August, a very malignant fever made its appearance at Thompson's island, which threatened the destruction of our station there. Many perished, and the commanding officer was severely attacked. Uncertain as to his fate, and knowing that most of the medical officers had been rendered incapable of discharging their duties, it was thought expedient to send to that post an officer of rank and experience, with several skilful surgeons, to ascertain the origin of the fever, and the probability of its recurrence there in future seasons; to furnish every assistance to those who were suffering, and, if practicable, to avoid the necessity of abandoning so important a station. Commodore Rodgers, with a promptitude which did him honor, cheerfully accepted that trust, and has discharged it in the manner anticipated from his skill and patriotism. Before his arrival, Commodore Porter, with the greater part of the squadron, had removed from the island and returned to the United States, in consequence of the prevailing sickness. Much useful information has, however, been obtained, as to the state of the island, and great relief afforded to those who had been necessarily left there.

Although our expedition, co-operating with an invigorated administration of the government of the island of Cuba, and with the corresponding active exertions of a British naval force in the same seas, have almost entirely destroyed the unlicensed piracies from that island, the success of our exertions has not been equally effectual to suppress the same crime, under other pretences and colors, in the neighboring island of Porto Rico. They have been committed there under the abusive issue of Spanish commissions. At an early period of the present year, remonstrances were made to the governor of that island, by an agent who was sent for the purpose, against those outrages on the peaceful commerce of the United States, of which many had occurred. That officer, professing his own want of

authority to make satisfaction for our just complaints, answered only by a reference of them to the government of Spain. The minister of the United States to that court was specially instructed to urge the necessity of the immediate and effectual interposition of that government, directing restitution and indemnity for wrongs already committed, and interdicting the repetition of them. The minister, as has been seen, was debarred access to the Spanish government, and in the meantime several new cases of flagrant outrage have occurred, and citizens of the United States in the island of Porto Rico have suffered, and other have been threatened with assassination, for asserting their unquestionable rights, even before the lawful tribunals of the country.

The usual orders have been given to all our public ships to seize American vessels engaged in the slave-trade, and bring them in for adjudication; and I have the gratification to state that not one so employed has been discovered, and there is good reason to believe that our flag is now seldom, if at all, disgraced by that traffic.

It is a source of great satisfaction that we are always enabled to recur to the conduct of our navy with pride and commendation. As a means of national defence, it enjoys the public confidence, and is steadily assuming additional importance. It is submitted whether a more efficient and equally economical organization of it might not, in several respects, be effected. It is supposed that higher grades than now exist by law would be useful. They would afford well-merited rewards to those who have long and faithfully served our country; present the best incentives to good conduct, and the best means of insuring a proper discipline; destroy the inequality in that respect between the military and naval services; and relieve our officers from many inconveniences and mortifications which occur when our vessels meet those of other nations—ours being the only service in which such grades do not exist.

A report of the postmaster-general, which accompanies this communication, will show the present state of the postoffice department and its general operations for some years past.

There is established by law, eighty-eight thousand six hundred miles of postroads, on which the mail is now transported eighty-five thousand seven hundred miles; and contracts have been made for its transportation on all the established routes, with one or two exceptions. There are five thousand two hundred and forty postoffices in the Union, and as many postmasters. The gross amount of postage which accrued from the first of July, 1822, to the first of July, 1823, was one million one hundred and fourteen thousand three hundred and forty-five dollars and twelve cents. During the same period, the expenditures of the postoffice department amounted to one million one hundred and sixty-nine thousand eight hundred and eighty-five dollars and fifty-one cents; and consisted of the following items: compensation to postmasters, three hundred and fifty-three thousand nine hundred and ninety-five dollars and eighty-eight cents; incidental expenses, thirty thousand eight hundred and sixty-six dollars and thirty-seven cents; transportation of the mail, seven hundred and eighty-four thousand six hundred dollars and eight cents; payments into the treasury, four hundred and twenty-three dollars and eight cents. On the first of July last, there was due to the department, from postmasters, one hundred and thirty-five thousand two hundred and forty-five dollars and twenty-eight cents; from late postmasters and contractors, two hundred and fifty-six thousand seven hundred and forty-nine dollars and thirty-one

cents; making a total amount of balances due to the department, of three hundred and ninety-one thousand nine hundred and ninety-four dollars and fifty-nine cents. These balances embrace all delinquencies of postmasters and contractors which have taken place since the organization of the department. There was due by the department to contractors, on the first day of July last, twenty-six thousand five hundred and forty-eight dollars and sixty-four cents.

The transportation of the mail within five years past has been greatly extended, and the expenditures of the department proportionably increased. Although the postage which has accrued within the last three years has fallen short of the expenditures two hundred and sixty-two thousand eight hundred and twenty-one dollars and forty-six cents, it appears that collections have been made from the outstanding balances to meet the principal part of the current demands.

It is estimated that not more than two hundred and fifty thousand dollars of the above balances can be collected, and that a considerable part of this sum can only be realized by a resort to legal process. Some improvement in the receipts for postage is expected. A prompt attention to the collection of moneys received by postmasters, it is believed, will enable the department to continue its operations without aid from the treasury, unless the expenditures shall be increased by the establishment of new mail routes.

A revision of some parts of the postoffice law may be necessary; and it is submitted whether it would not be proper to provide for the appointment of postmasters, where the compensation exceeds a certain amount, by nomination to the senate, as other officers of the general government are appointed.

Having communicated my views to Congress, at the commencement of the last session, respecting the encouragement which ought to be given to our manufactures, and the principle on which it should be founded, I have only to add that those views remain unchanged, and that the present state of those countries with which we have the most immediate political relations and greatest commercial intercourse, tends to confirm them. Under this impression I recommend a review of the tariff, for the purpose of affording such additional protection to those articles which we are prepared to manufacture, or which are more immediately connected with the defence and independence of the country.

The actual state of the public accounts furnishes additional evidence of the efficiency of the present system of accountability, in relation to the public expenditure. Of the moneys drawn from the treasury since the 4th of March, 1817, the sum remaining unaccounted for, on the 30th of September last, is more than one million five hundred thousand dollars less than on the 30th of September preceding; and during the same period, a reduction of nearly a million of dollars has been made in the amount of the unsettled accounts for money advanced previously to the 4th of March, 1817. It will be obvious that, in proportion as the mass of accounts of the latter description is diminished by settlement, the difficulty of settling the residue is increased, from the consideration that in many instances it can be obtained only by legal process. For more precise details no this subject, I refer to a report from the first comptroller of the treasury.

The sum which was appropriated at the last session for the repair of the Cumberland road has been applied with good effect to that object. A final report has not yet been received from the agent who was appointed

to superintend it. As soon as it is received it shall be communicated to Congress.

Many patriotic and enlightened citizens, who have made the subject an object of particular investigation, have suggested an improvement of still greater importance. They are of opinion that the waters of the Chesapeake and Ohio may be connected together by one continued canal, and at an expense far short of the value and importance of the object to be obtained. If this could be accomplished, it is impossible to calculate the beneficial consequences which would result from it. A great portion of the produce of the very fertile country through which it would pass would find a market through that channel. Troops might be moved with great facility in war, with cannon and every kind of munition, and in either direction. Connecting the Atlantic with the western country, in a line passing through the seat of the national government, it would contribute essentially to strengthen the bond of union itself. Believing as I do that Congress possess the right to appropriate money for such a national object (the jurisdiction remaining to the states through which the canal would pass), I submit it to your consideration whether it may not be advisable to authorize, by an adequate appropriation, the employment of a suitable number of the officers of the corps of engineers, to examine the unexplored ground during the next session, and to report thereon. It will likewise be proper to extend their examination to the several routes through which the waters of the Ohio may be connected by canals with those of Lake Erie.

As the Cumberland road will require annual repairs, and Congress have not thought it expedient to recommend to the states an amendment to the constitution for the purpose of vesting in the United States a power to adopt and execute a system of internal improvement, it is also submitted to your consideration whether it may not be expedient to authorize the executive to enter into an arrangement with the several states through which the road passes, to establish tolls, each within its limits, for the purpose of defraying the expense of future repairs, and of providing, also, by suitable penalties, for its protection against future injuries.

The act of Congress of the 7th of May, 1822, appropriated the sum of twenty-two thousand seven hundred dollars, for the purpose of erecting two piers as a shelter for vessels from ice, near Cape Henlopen, Delaware bay. To effect the object of the act, the officers of the board of engineers, with Commodore Bainbridge, were directed to prepare plans and estimates of piers sufficient to answer the purpose intended by the act. It appears by their report, which accompanies the documents from the war department, that the appropriation is not adequate to the purpose intended; and as the piers would be of great service, both to the navigation of the Delaware bay, and the protection of vessels on the adjacent parts of the coast, I submit for the consideration of Congress, whether additional and sufficient appropriations should not be made.

The board of engineers were also directed to examine and survey the entrance of the harbor of the port of Presque Isle in Pennsylvania, in order to make an estimate of the expense of removing the obstructions to the entrance, with a plan of the best mode of effecting the same, under the appropriation for that purpose, by act of Congress passed on the 3d of March last. The report of the board accompanies the papers from the war department, and is submitted for the consideration of Congress.

A strong hope has long been entertained, founded on the heroic struggle

of the Greeks, that they would succeed in their contest, and resume their equal station among the nations of the earth. It is believed that the whole civilized world takes a deep interest in their welfare. Although no power has declared in their favor, yet none, according to our information, has taken part against them. Their cause and their name have protected them from dangers which would, ere this, have overwhelmed any other people. The ordinary calculations of interest, and of acquisition, with a view to aggrandizement, which mingles so much in the transactions of nations, seem to have had no effect in regard to them. From the facts which have come to our knowledge, there is good cause to believe that their enemy has lost, for ever, all dominion over them; that Greece will become again an independent nation. That she may obtain that rank is the object of our most ardent wishes.

It was stated, at the commencement of the last session, that a great effort was then making in Spain and Portugal, to improve the condition of the people of those countries, and that it appeared to be conducted with extraordinary moderation. It need scarcely be remarked that the result has been, so far, very different from what was then anticipated. Of events in that quarter of the globe, with which we have so much intercourse and from which we derive our origin, we have always been anxious and interested spectators. The citizens of the United States cherish sentiments the most friendly in favor of the liberty and happiness of their fellow-men on that side of the Atlantic. In the wars of the European powers, in matters relating to themselves, we have never taken any part, nor does it comport with our policy so to do. It is only when our rights are invaded or seriously menaced, that we resent injuries or make preparation for our defence. With the movements in this hemisphere we are of necessity more immediately connected, and by causes which must be obvious to all enlightened and impartial observers. The political system of the allied powers is essentially different in this respect from that of America. This difference proceeds from that which exists in their respective governments. And to the defence of our own, which has been achieved by the loss of so much blood and treasure, and matured by the wisdom of their most enlightened citizens, and under which we have enjoyed unexampled felicity, this whole nation is devoted. We owe it, therefore, to candor, and to the amicable relations existing between the United States and those powers, to declare, that we should consider any attempt on their part to extend their system to any portion of this hemisphere as dangerous to our peace and safety. With the existing colonies or dependencies of any European power we have not interfered, and shall not interfere. But with the governments who have declared their independence, and maintained it, and whose independence we have, on great consideration and on just principles, acknowledged, we could not view any interposition for the purpose of oppressing them, or controlling in any other manner their destiny, by any European power, in any other light than as the manifestation of an unfriendly disposition toward the United States. In the war between those new governments and Spain, we declared our neutrality at the time of their recognition, and to this we have adhered, and shall continue to adhere, provided no change shall occur which, in the judgment of the competent authorities of this government, shall make a corresponding change on the part of the United States indispensable to their security.

The late events in Spain and Portugal show that Europe is still unsettled. Of this important fact no stronger proof can be adduced, than that the allied

powers should have thought it proper, on a principle satisfactory to themselves, to have interposed by force in the internal concerns of Spain. To what extent such interposition may be carried, on the same principle, is a question to which all independent powers, whose governments differ from theirs, are interested; even those most remote, and surely none more so than the United States. Our policy in regard to Europe, which was adopted at an early stage of the wars which have so long agitated that quarter of the globe, nevertheless remains the same, which is, not to interfere in the internal concerns of any of its powers; to consider the government, *de facto*, as the legitimate government for us; to cultivate friendly relations with it, and to preserve those relations by a frank, firm, and manly policy; meeting, in all instances, the just claims of every power, submitting to injuries from none. But in regard to these continents, circumstances are eminently and conspicuously different. It is impossible that the allied powers should extend their political system to any portion of either continent without endangering our peace and happiness; nor can any one believe that our southern brethren, if left to themselves, would adopt it of their own accord. It is equally impossible, therefore, that we should behold such interposition, in any form, with indifference. If we look to the comparative strength and resources of Spain and those new governments, and their distance from each other, it must be obvious that she can never subdue them. It is still the true policy of the United States to leave the parties to themselves, in the hope that other powers will pursue the same course.

If we compare the present condition of our Union with its actual state at the close of our revolution, the history of the world furnishes no example of a progress in improvement, in all the important circumstances which constitute the happiness of a nation, which bears any resemblance to it. At the first epoch our population did not exceed three millions. By the last census it amounted to about ten millions, and what is more extraordinary, it is almost altogether native, for the immigration from other countries has been inconsiderable. At the first epoch half the territory within our acknowledged limits was uninhabited and a wilderness. Since then, new territory has been acquired, of vast extent, comprising within it many rivers, particularly the Mississippi, the navigation of which to the ocean was of the highest importance to the original states. Over this territory our population has expanded in every direction, and new states have been established, almost equal in number to those which formed the first bond of our Union. This expansion of our populatiou and accession of new states to our Union, have had the happiest effect on all its highest interests. That it has eminently augmented our resources, and added to our strength and respectability as a power, is admitted by all. But it is not in these important circumstances only that this happy effect is felt. It is manifest that, by enlarging the basis of our system, and increasing the number of states, the system itself has been greatly strengthened in both its branches. Consolidation and disunion have thereby been rendered equally impracticable. Each government, confiding in its own strength, has less to apprehend from the other; and in consequence, each enjoying a greater freedom of action, is rendered more efficient for all the purposes for which it was instituted. It is unnecessary to treat here of the vast improvement made in the system itself by the adoption of this constitution, and of its happy effect in elevating the character, and in protecting the rights of the nation, as well as of individuals. To what then do we owe these bles-

sings? It is known to all that we derive them from the excellence of our institutions. Ought we not then to adopt every measure which may be necessary to perpetuate them.

SPECIAL MESSAGE.

FEBRUARY 24, 1824.

To the Senate and House of Representatives of the United States:—

I HEREWITH transmit to Congress certain documents relating to a claim of Massachusetts for services rendered by the military of that state in the late war, and for which the payment was made by the state. From the particular circumstances attending this claim, I have thought it proper to submit the subject to the consideration of Congress.

In forming a just estimate of this claim, it will be necessary to recur to the cause which prevented its admission, or the admission of any part thereof, at an earlier day. It will be recollected, that when a call was made on the militia of that state for service, in the late war, under an arrangement which was alike applicable to the militia of all the states, and in conformity with the acts of Congress, the executive of Massachusetts refused to comply with the call, on the principle that the power vested in Congress by the constitution, to provide for calling forth the militia to execute the laws of the Union, suppress insurrections, and repel invasions, was not a competent power for those purposes, but conditional, and dependent on the consent of the executives of the several states; and also, that when called into service, such consent being given, they could not be commanded by a regular officer of the United States, or other officer than that of the militia, except by the president in person. That this decision of the executive of Massachusetts was repugnant to the constitution of the United States, and of dangerous tendency, especially when it is considered, that we were then engaged in a war with a powerful nation for the defence of our common rights, was the decided opinion of this government; and when the period at which that decision was formed was considered, it being as early as the 5th of August, 1812, immediately after the war was declared, and that it was not relinquished during the war, it was inferred by the executive of the United States that the decision of the executive of that state was alike applicable to all the services that were rendered by the militia of the state during the war.

In the correspondence with the governor of Massachusetts at that important epoch, and on that very interesting subject, it was announced to him by the secretary of war, that if the militia of the state were called into service by the executive of the state, and not put under the command of the major-general of the United States, as the militia of the other states were, the expense attending their service would be chargeable to the state, and not the United States. It was also stated to him at the same time, that any claim which the state might have for the reimbursement of such expenses could not be allowed by the executive of the United States, since it would involve principles on which that branch of the government could not decide.

Under these circumstances a decision on the claim of the state of Massa-

chusetts has hitherto been suspended, and it need not be remarked that the suspension has proceeded from a conviction that it would be improper to give any sanction by its admission, or the admission of any part thereof, either to the construction of the constitution contended for by the then executive of that state, or to its conduct at that period toward the general government and the Union.

In January, 1823, the representatives in Congress from Massachusetts and Maine suggested, by memorial, that the constitutional objection could not apply to a portion of the claim, and requested that the accounting officer of the government might be instructed to audit and admit such part as might be free from that objection. In all cases where claims are presented for militia service, it is the duty and the practice of the accounting officer to submit them to the department for instruction as to the legality of the claim; that is, whether the service had been rendered by order of the competent authority, or otherwise, under circumstances to justify the claim against the United States, admitting that the evidence in support of it should be satisfactory. To this request there appeared to be no well-founded objection, under the reservation as to the constitutional principle, and accordingly an order was given to the accounting officers of the treasury to proceed in auditing the claim with that reservation.

In conformity with this arrangement, the executive of Massachusetts appointed two citizens of that state commissioners to attend to the settlement of its claim, and who, in execution of the trust reposed in them, have presented to the accounting officer of the treasury that portion comprehending the services of the fifth division of the militia of the state, which has been audited and reported for consideration, subject to the objection above stated. I have examined this report, with the documents presented by the commissioners, and am of opinion that the services rendered by that division were spontaneous, patriotic, and proper, necessary for self-defence, to repel in some instances actual invasion, and in others, to meet by adequate preparation invasions that were menaced. The commissioners of the state having intimated that other portions of service stood on similar ground, the accounting officer has been instructed, in auditing the whole, to do it in such manner as to enable the department to show distinctly under what circumstances each portion of service was rendered—whether voluntary, called out by invasion, or the menace of invasion, or by public authority; and in such case, whether the militia rendering such service was placed under the authority of the United States, or retained under that of the state.

It affords me great pleasure to state that the present executive of Massachusetts has disclaimed the principle which was maintained by the former executive, and that in this disclaimer both branches of the legislature have concurred. By this renunciation, the state is placed on the same ground, in this respect, with the other states, and this very distressing anomaly in our system is removed. It is well known that the great body of our fellow-citizens in Massachusetts are as firmly devoted to our Union, and to the free republican principles of our government, as our fellow-citizens of the other states. Of this important truth their conduct in every stage of our revolutionary struggle, and in many other emergencies, bears ample testimony; and I add, with profound interest and a thorough conviction, that although the difficulty adverted to, in the late war, with their executive, excited equal surprise and regret, it was not believed to extend to them. There never was a moment when the confidence of the government in the great body of our fellow-citizens of that state was impaired, nor is a doubt enter-

tained that they were at all times willing and ready to support their rights and repel an invasion by the enemy.

The commissioners of Massachusetts have urged, in compliance with their instructions, the payment of so much of their claim as applies to the services rendered to the fifth division, which have been audited, and I should have no hesitation in admitting it if I did not think, under all the circumstances of the case, that the claim in all its parts was cognizable by Congress alone. The period at which the constitutional difficulty was raised by the executive of the state was in the highest degree important, as was the tendency of the principle for which it contended, and which was adhered to during the war. The public mind throughout the Union was much excited by that occurrence, and great solicitude was felt as to its consequences. The executive of the United States was bound to maintain, and did maintain a just construction of the constitution; in doing which, it is gratifying to recollect that the most friendly feelings were cherished toward their brethren of that state. The executive of the state was warned, in the correspondence which then took place, of the light in which its conduct was viewed, and of the effect it would have, so far as related to the right of the executive of the United States, on any claim which might afterward be presented by the state to compensation for such services. Under these circumstances, the power of the executive of the United States to settle any portion of this claim seems to be precluded. It seems proper, also, that this claim should be decided on full investigation before the public, that the principle on which it is decided may be thoroughly understood by our fellow-citizens of every state, which can be done by Congress alone; who alone, also, possess the power to pass the laws which may be necessary to carry such decision into effect.

In submitting this subject to the calm and enlightened judgment of Congress, I do it with peculiar satisfaction, from a knowledge that you are now placed, by the course of events, in a situation which will enable you to adopt such measures as will not only comport with the sound principles of our government, but likewise be conducive to further the highest interests of our Union. By the renunciation of the principle maintained by the then executive of Massachusetts, as has been done by its present executive and both branches of the legislature, in the most formal manner, and in accord with the sentiments of the great body of the people, the constitution is restored in a very important feature—that connected with the public defence and in the most important branch, that of the militia, to its native strength. It is very gratifying to know that this renunciation has been produced by the regular, orderly, and pacific operation of our republican system, whereby those who were in the right at the moment of difficulty, and who sustained the government with great firmness, have daily gained strength until this result was accomplished. The points on which you will have to decide are, what is fairly due for the services which were actually rendered? By what means shall we contribute most to cement the Union and give the greatest support to our most excellent constitution? In seeking each object separately we are led to the same result. All that can be claimed by our fellow-citizens of Massachusetts is, that the constitutional objection be waived, and that they be placed on the same footing with their brethren in the other states—that regarding the services rendered by the militia of other states, for which compensation has been made, giving to the rule the most liberal construction, like compensation be made for similar services rendered by the militia of that state.

I have been led to conclude, on great consideration, that the principles of justice, as well as a due regard for the great interests of our Union, require that this claim, in the extent proposed, should be acceded to. Essential service was rendered, in the late war, by the militia of Massachusetts, and with the most patriotic motives. It seems just, therefore, that they should be compensated for such services, in like manner with the militia of other states. The constitutional difficulty did not originate with them, and has now been removed. It comports with our system to look to the service rendered and to the intention with which it was rendered, and to award the compensation accordingly, especially as it may now be done without the sacrifice of principle. The motive, in this instance, is the stronger, because well satisfied I am, that by so doing we shall give the most effectual support to our republican institutions. No latent cause of discontent will be left behind. The great body of the people will be gratified, and even those who now survive, who were then in error, can not fail to see with interest and satisfaction this distressing occurrence thus happily terminated. I therefore consider it my duty to recommend it to Congress to make provision for the settlement of the claim of Massachusetts for services rendered in the late war by the militia of the state, in conformity with the rules which have governed in the settlement of the claims for services rendered by the militia of the other states.

EIGHTH ANNUAL MESSAGE.

DECEMBER 7, 1824.

To the Senate and House of Representatives of the United States:—

THE view which I have now to present to you, of our affairs, foreign and domestic, realizes the most sanguine anticipations which have been entertained of the public prosperity. If we look to the whole, our growth as a nation continues to be rapid beyond example; if to the states which compose it, the same gratifying spectacle is exhibited. Our expansion over the vast territory within our limits has been great, without indicating any decline in those sections from which the emigration has been most conspicuous. We have daily gained strength by a native population in every quarter—a population devoted to our happy system of government, and cherishing the bond of Union with fraternal affection. Experience has already shown, that the difference of climate and of industry, proceeding from that cause, inseparable from such vast domains, and which, under other systems, might have a repulsive tendency, can not fail to produce with us, under wise regulations, the opposite effect. What one portion wants the other may supply, and this will be most sensibly felt by the parts most distant from each other; forming, thereby, a domestic market, and an active intercourse between the extremes and throughout every portion of our Union. Thus, by a happy distribution of power between the national and state governments, governments which rest exclusively on the sovereignty of the people and are fully adequate to the great purposes for which they were respectively instituted, causes which might otherwise lead to dismemberment operate powerfully to draw us closer together. In every other circumstances, a correct view of the actual state of our Union must be equally gratifying to our constituents. Our relations with foreign

powers are of a friendly character, although certain interesting differences remain unsettled with some. Our revenue, under the mild system of impost and tonnage, continues to be adequate to all the purposes of the government. Our agriculture, commerce, manufactures, and navigation, flourish. Our fortifications are advancing, in the degree authorized by existing appropriations, to maturity, and due progress is made in the augmentation of the navy to the limit prescribed for it by law. For these blessings we owe to Almighty God, from whom we derive them, and with profound reverence, our most grateful and unceasing acknowledgments.

In adverting to our relations with foreign powers, which are always an object of the highest importance, I have to remark, that of the subjects which have been brought into discussion with them during the present administration, some have been satisfactorily terminated, others have been suspended to be resumed hereafter under circumstances more favorable to success, and others are still in negotiation, with the hope that they may be adjusted with mutual accommodation to the interests and to the satisfaction of the respective parties. It has been the invariable object of this government to cherish the most friendly relations with every power, and on principles and conditions which might make them permanent. A systematic effort has been made to place our commerce with each power on a footing of perfect reciprocity; to settle with each, in a spirit of candor and liberality, all existing differences, and to anticipate and remove, so far as it might be practicable, all causes of future variance.

It having been stipulated by the same article of the convention of navigation and commerce, which was concluded on the 24th of June, 1822, between the United States and France, that the said convention should continue in force for two years, from the 1st of October of that year, and for an indefinite term afterward, unless one of the parties should declare its intention to renounce it, in which event it should cease to operate at the end of six months from such declaration; and no such intention having been announced, the convention having been found advantageous to both parties, it has since remained, and still remains, in full force. At the time when that convention was concluded, many interesting subjects were unsettled, and particularly our claims to indemnity for spoliations which were committed on our commerce in the late wars. For these interests and claims it was in the contemplation of the parties to make provision, at a subsequent day, by a more comprehensive and definitive treaty. The object has been duly attended to since by the executive, but as yet it has not been accomplished. It is hoped that a favorable opportunity will present itself for opening a negotiation which may embrace and arrange all existing differences, and every other concern in which they have a common interest, upon the accession of the present king of France, an event which has occurred since the close of the last session of Congress.

With Great Britain our commercial intercourse rests on the same footing that it did at the last session. By the convention of 1815, the commerce between the United States and the British dominions in Europe and the East Indies was arranged on the principle of reciprocity. That convention was confirmed and continued in force, with slight exceptions, by a subsequent treaty, for the term of ten years from the 20th of October, 1818, the date of the latter. The trade with the British colonies in the West Indies has not as yet been arranged, by treaty or otherwise, to our satisfaction. An approach to that result has been made by legislative acts, whereby many serious impediments which had been raised by the parties in defence

of their respective claims were removed. An earnest desire exists, and has been manifested on the part of this government, to place the commerce with the colonies, likewise, on a footing of reciprocal advantage, and it is hoped that the British government, seeing the justice of the proposal, and its importance to the colonies, will ere long accede to it.

The commissioners who were appointed for the adjustment of the boundary between the territories of the United States and those of Great Britain, specified in the fifth article of the treaty of Ghent, having disagreed in their decision, and both governments having agreed to establish that boundary, by amicable negotiation between them, it is hoped that it may be satisfactorily adjusted in that mode. The boundary specified by the sixth article has been established by the decision of the commissioners. From the progress made in that provided for by the seventh, according to a report recently received, there is good cause to presume that it will be settled in the course of the ensuing year.

It is a cause of serious regret that no arrangement has yet been finally concluded between the two governments, to secure, by joint co-operation, the suppression of the slave-trade. It was the object of the British government, in the early stages of the negotiation, to adopt a plan for the suppression, which should include the concession of a mutual right of search, by the ships-of-war of each party, of the vessels of the other for suspected offenders. This was objected to by this government, on the principle that, as the right of search was the right of war of a belligerent toward a neutral power, it might have an ill effect to extend it by treaty, to an offence which had been made comparatively mild, to a time of peace. Anxious, however, for the suppression of this trade, it was thought advisable, in compliance with a resolution of the house of representatives, founded on an act of Congress, to propose to the British government an expedient which should be free from that objection, and more effectual for the object, by making it piratical. In that mode, the enormity of the crime would place the offenders out of the protection of their government, and involve no question of search, or other question, between the parties, touching their respective rights. It was believed, also, that it would completely suppress the trade in the vessels of both the parties, and by their respective citizens and subjects in those of other powers, with whom, it was hoped, that the odium which would thereby be attached to it would produce a corresponding arrangement, and by means thereof, its entire extirpation for ever. A convention to this effect was concluded and signed in London, on the thirteenth day of March, one thousand eight hundred and twenty-four, by plenipotentiaries duly authorized by both governments, to the ratification of which certain obstacles have arisen which are not yet entirely removed. The differences between the parties still remaining have been reduced to a point not of sufficient magnitude, as is presumed, to be permitted to defeat an object so near to the hearts of both nations, and so desirable to the friends of humanity throughout the world. As objections, however, to the principle recommended by the house of representatives, or at least to the consequences inseparable from it, and which are understood to apply to the law, have been raised; which may deserve a reconsideration of the whole subject, I have thought it proper to suspend the conclusion of a new convention until the definitive sentiments of Congress may be ascertained. The documents relating to the negotiation are with that intent submitted to your consideration.

Our commerce with Sweden has been placed on a footing of perfect

reciprocity by treaty, and with Russia, the Netherlands, Prussia, the free Hanseatic cities, the dukedom of Oldenburg, and Sardinia, by internal regulations on each side, founded on mutual agreement between the respective governments.

The principles upon which the commercial policy of the United States is founded are to be traced to an early period. They are essentially connected with those upon which their independence was declared, and owe their origin to the enlightened men who took the lead in our affairs at that important epoch. They are developed in their first treaty of commerce with France, of the 6th of February, 1778, and by a formal commission which was instituted immediately after the conclusion of their revolutionary struggle, for the purpose of negotiating treaties of commerce with every European power. The first treaty of the United States with Prussia, which was negotiated by that commission, affords a signal illustration of those principles. The act of Congress of the 3d of March, 1815, adopted immediately after the return of a general peace, was a new overture to foreign nations to establish our commercial relations with them on the basis of free and equal reciprocity. That principle has pervaded all the acts of Congress and all the negotiations of the executive on the subject since.

A convention for the settlement of important questions in relation to the northwest coast of this continent and its adjoining seas, was concluded and signed at St. Petersburgh, on the 5th day of April last, by the minister plenipotentiary of the United States and plenipotentiaries of the imperial government of Russia. It will immediately be laid before the senate, for the exercise of the constitutional authority of that body with reference to its ratification. It is proper to add, that the manner in which this negotiation was invited and conducted on the part of the emperor has been very satisfactory.

The great and extraordinary changes which have happened in the governments of Spain and Portugal, within the last two years, without seriously affecting the friendly relations which, under all of them, have been maintained with those powers by the United States, have been obstacles to the adjustment of the particular subjects of discussion which have arisen with each. A resolution of the senate, adopted at their last session, called for information as to the effect produced upon our relations with Spain, by the recognition, on the part of the United States, of the independent South American governments. The papers containing that information are now communicated to Congress.

A chargé d'affaires has been received from the independent government of Brazil. That country, heretofore a colonial possession of Portugal, had some years since been proclaimed by the sovereign of Portugal himself an independent kingdom. Since his return to Lisbon, a revolution in Brazil has established a new government there, with an imperial title, at the head of which is placed a prince, in whom the regency has been vested by the king at the time of his departure. There is reason to expect that, by amicable negotiation, the independence of Brazil will, ere long, be recognised by Portugal herself.

With the remaining powers of Europe, with those on the coast of Barbary, and with all the new South American states, our relations are of a friendly character. We have ministers plenipotentiary residing with the republics of Colombia and Chili, and have received ministers of the same rank from Colombia, Guatimala, Buenos Ayres, and Mexico. Our commercial relations with all those states are mutually beneficial and increas-

ing. With the republic of Colombia, a treaty of commerce has been formed, of which a copy is received, and the original daily expected. A negotiation for a like treaty would have been commenced with Buenos Ayres, had it not been prevented by the indisposition, and lamented decease, of Mr. Rodney, our minister there, and to whose memory the most respectful attention has been shown by the government of that republic. An advantageous alteration in our treaty with Tunis has been obtained by our consular agent residing there, the official documents of which, when received, will be laid before the senate.

The attention of this government has been drawn with great solicitude to other subjects, and particularly to that relating to a state of maritime war, involving the relative rights of neutral and belligerent in such wars. Most of the difficulties which we have experienced, and of the losses which we have sustained, since the establishment of our independence, have proceeded from the unsettled state of those rights, and the extent to which the belligerent claim has been carried against the neutral party. It is impossible to look back on the occurrences of the late wars in Europe, and to behold the disregard which was paid to our rights as a neutral power, and the waste which was made of our commerce by the parties to those wars, by various acts of their respective governments, and under the pretext by each that the other had set the example, without great mortification, and a fixed purpose never to submit to the like in future. An attempt to remove those causes of possible variance by friendly negotiation, and on just principles which would be applicable to all parties, could, it was presumed, be viewed by none, other than as a proof of an earnest desire to preserve those relations with every power. In the late war between France and Spain, a crisis occurred in which it seemed probable that all the controvertible principles involved in such wars might be brought into discussion and settled to the satisfaction of all parties. Propositions having this object in view have been made to the governments of Great Britain, France, Russia, and of other powers, which have been received in a friendly manner by all; but as yet no treaty has been formed with either for its accomplishment. The policy will, it is presumed, be persevered in, and in the hope that it may be successful.

It will always be recollected that, with one of the parties to those wars, and from whom we received those injuries, we sought redress by war. From the other, by whose then reigning government our vessels were seized in port as well as at sea, and their cargoes confiscated, indemnity has been expected, but has not yet been rendered. It was under the influence of the latter that our vessels were likewise seized by the governments of Spain, Holland, Denmark, Sweden, and Naples, and from whom indemnity has been claimed and is still expected, with the exception of Spain, by whom it has been rendered. With both parties we had abundant cause of war, but we had no alternative but to resist that which was most powerful at sea, and pressed us nearest at home. With this, all differences were settled by a treaty, founded on conditions fair and honorable to both, which has been so far executed with perfect good faith. It has been earnestly hoped that the other would, of its own accord, and from a sentiment of justice and conciliation, make to our citizens the indemnity to which they are entitled, and thereby remove from our relations any just cause of discontent on our side.

It is estimated that the receipts in the treasury, during the current year, exclusive of loans, will exceed eighteen millions five hundred thousand

dollars; which, with the sum remaining in the treasury at the end of the last year, amounting to nine millions four hundred and sixty-three thousand nine hundred and twenty-two dollars eighty-one cents, will, after discharging the current disbursements of the year, the interest on the public debt, and upward of eleven millions six hundred and thirty-three thousand and eleven dollars fifty-two cents of the principal, leave a balance of more than three millions dollars in the treasury on the 1st day of January next.

A larger amount of the debt contracted during the late war, bearing an interest of six per cent. becoming redeemable in the course of the ensuing year, than could be discharged by the ordinary revenue, the act of the 26th of May authorized a loan of five millions of dollars, at four and a half per cent., to meet the same. By this arrangement an annual saving will accrue to the public of seventy-five thousand dollars.

Under the act of the 24th of May last, a loan of five millions of dollars was authorized, in order to meet the awards under the Florida treaty, which was negotiated at par with the Bank of the United States, at four and a half per cent., the limit of interest fixed by the act. By this provision the claims of our citizens, who had sustained so great a loss by spoliations, and from whom indemnity had been so long withheld, were promptly paid. For these advances the public will be amply repaid, at no distant day, by the sale of the lands in Florida. Of the great advantage resulting from the acquisition of the territory in other respects, too high an estimate can not be formed.

It is estimated that the receipts into the treasury, during the year 1825, will be sufficient to meet the disbursements of the year, including the sum of ten millions of dollars which is annually appropriated by the act constituting the sinking fund, for the payment of the principal and interest of the public debt.

The whole amount of the public debt, on the 1st of January next, may be estimated at eighty-six millions of dollars, inclusive of two millions five hundred thousand dollars of the loan authorized by the act of the 26th of May last. In this estimate is included a stock of seven millions of dollars, issued for the purchase of that amount of the capital stock of the Bank of the United States; and which, as the stock of the bank still held by the government will at least be fully equal to its reimbursement, ought not to be considered as constituting a part of the public debt. Estimating, then, the whole amount of the public debt at seventy-nine millions of dollars, and regarding the annual receipts and expenditures of the government, a well-founded hope may be entertained, that, should no unexpected event occur, the whole of the public debt may be discharged in the course of ten years, and the government be left at liberty, thereafter, to apply such portion of the revenue as may not be necessary for current expenses, to such other objects as may be most conducive to the public security and welfare. That the sums applicable to these objects will be very considerable, may be fairly concluded, when it is recollected that a large amount of the public revenue has been applied, since the late war, to the construction of the public buildings in this city; to the erection of fortifications along the coast, and of arsenals in different parts of the Union; to the augmentation of the navy; to the extinguishment of Indian title to large tracts of fertile territory; to the acquisition of Florida; to pensions to revolutionary officers and soldiers, and to invalids of the late war. On many of these objects the expense will annually be diminished, and, at no distant period, cease on most of them. On the first of January, 1817, the public debt amounted

to one hundred and twenty-three millions four hundred and ninety-one thousand nine hundred and sixty-five dollars and sixteen cents; and notwithstanding the large sums which have been applied to these objects, it has been reduced, since that period, thirty-seven millions four hundred and forty-six thousand nine hundred and sixty-one dollars and seventy-eight cents. The last portion of the public debt will be redeemable on the 1st of January, 1835; and while there is the best reason to believe that the resources of the government will be continually adequate to such portion of it as may become due in the interval, it is recommended to Congress to seize every opportunity which may present itself to reduce the rate of interest on every part thereof. The high state of the public credit, and the great abundance of money, are at this time very favorable to such a result. It must be very gratifying to our fellow-citizens to witness this flourishing state of the public finances, when it is recollected that no burden whatever has been imposed upon them.

The military establishment, in all its branches, in the performance of the various duties assigned to each, justifies the favorable view which was presented of the efficiency of its organization at the last session. All the appropriations have been regularly applied to the object intended by Congress, and so far as the disbursements have been made, the accounts have been rendered and settled without loss to the public. The condition of the army itself, as relates to the officers and men, in science and discipline, is highly respectable. The military academy, on which the army essentially rests, and to which it is much indebted for this state of improvement, has attained, in comparison with any other institution of a like kind, a high degree of perfection. Experience, however, has shown, that the dispersed condition of the corps of artillery is unfavorable to the discipline of that important branch of the military establishment. To remedy this inconvenience, eleven companies have been assembled at the fortifications erected at Old Point Comfort as a school for artillery instruction, with intention, as they shall be perfected in the various duties of that service, to order them to other posts, and to supply their places with other companies, for instruction in like manner. In this mode a complete knowledge of the science and duties of this arm will be extended throughout the whole corps of artillery. But to carry this object fully into effect will require the aid of Congress, to obtain which the subject is now submitted to your consideration.

Of the progress which has been made in the construction of fortifications for the permanent defence of our maritime frontier, according to the plan decided on, and to the extent of the existing appropriations, the report of the secretary of war, which is herewith communicated, will give a detailed account. Their final completion can not fail to give great additional security to that frontier, and to diminish proportionably the expense of defending it in the event of war.

The provisions in the several acts of Congress of the last session, for the improvement of the navigation of the Mississippi and the Ohio, of the harbor of Presque isle on Lake Erie, and the repair of the Plymouth beach, are in a course of regular execution; and there is reason to believe that the appropriation in each instance will be adequate to the object. To carry these improvements fully into effect, the superintendence of them has been assigned to officers of the corps of engineers.

Under the act of the 30th April last, authorizing the president to cause a survey to be made, with the necessary plans and estimates of such

roads and canals as he might deem of national importance in a commercial or military point of view, or for the transportation of the mail, a board has been instituted, consisting of two distinguished officers of the corps of engineers, and a distinguished civil engineer, with assistants, who have been actively employed in carrying into effect the objects of the act. They have carefully examined the route between the Potomac and the Ohio rivers; between the latter and Lake Erie; between the Allegany and the Susquehannah; and the routes between the Delaware and the Raritan, Barnstable and Buzzard's bay, and between Boston harbor and Narragansett bay. Such portions of the corps of topographical engineers as could be spared from the survey of the coast, has been employed in surveying the very important route between the Potomac and the Ohio. Considerable progress has been made in it, but the survey can not be completed until the next season. It is gratifying to add, from the view already taken, that there is good cause to believe that this great national object may be fully accomplished.

It is contemplated to commence early in the next season the execution of the other branch of the act, that which relates to roads, and with the survey of a route from this city, through the southern states, to New Orleans, the importance of which can not be too highly estimated. All the officers of both the corps of engineers, who could be spared from other services, have been employed in exploring and surveying the routes for canals. To digest a plan for both objects for the great purposes specified, will require a thorough knowledge of every part of our Union, and of the relation of each part to the others, and of all to the seat of the general government. For such a digest, it will be necessary that the information be full, minute, and precise. With a view to these important objects, I submit to the consideration of Congress the propriety of enlarging both the corps of engineers, the military, and topographical. It need scarcely be remarked, that the more extensively these corps are engaged in the improvement of their country, in the execution of the powers of Congress, and in aid of the states, and such improvements as lie beyond that limit, when such aid is desired, the happier the effect will be in many views of which the subject is susceptible. By profiting of their science, the works will always be well executed; and, by giving to the officers such employment, our Union will derive all the advantage, in peace as well as in war, from their talents and services, which they can afford. In this mode, also, the military will be incorporated with the civil, and unfounded injurious distinctions and prejudices of every kind be done away. To the corps themselves, this service can not fail to be equally useful, since, by the knowledge they would thus acquire, they would be eminently better qualified, in the event of war, for the great purposes for which they were instituted.

Our relations with the Indian tribes within our limits have not been materially changed during the year. The hostile disposition evinced by certain tribes on the Missouri during the last year, still continues, and has extended in some degree to those on the upper Mississippi and the upper lakes. Several parties of our citizens have been plundered and murdered by those tribes. In order to establish relations of friendship with them, Congress at the last session made an appropriation for treaties with them, and for the employment of a suitable military escort, to accompany and attend the commissioners at the places appointed for the negotiations. This object has not been effected. The season was too far advanced when the appropriation was made, and the distance too great to permit it;

but measures have been taken, and all the preparations will be completed, to accomplish it at an early period next season.

Believing that the hostility of the tribes, particularly on the upper Mississippi and the lakes, is in no small degree owing to the wars which are carried on between the tribes residing in that quarter, measures have been taken to bring about a general peace among them, which, if successful, will not only tend to the security of our citizens, but be of great advantage to the Indians themselves.

With the exception of the tribes referred to, our relations with all the others are on the most friendly footing, and it affords me great satisfaction to add, that they are making steady advances in civilization and the improvement of their condition. Many of the tribes have already made great progress in the arts of civilized life. This desirable result has been brought about by the humane and persevering policy of the government, and particularly by means of the appropriation for the civilization of the Indians. There have been established under the provisions of this act, thirty-two schools, containing nine hundred and sixteen scholars who are well instructed in several branches of literature, and likewise in agriculture and the ordinary arts of life.

Under the appropriation to authorize treaties with the Creek and Quapaw Indians, commissioners have been appointed and negotiations are now pending, but the result is not yet known.

For more full information respecting the principle which has been adopted for carrying into effect the act of Congress authorizing surveys, with plans and estimates for canals and roads, and on every other branch of duty incident to the department of war, I refer you to the report of the secretary.

The squadron in the Mediterranean has been maintained in the extent which was proposed in the report of the secretary of the navy of the last year, and has afforded to our commerce the necessary protection in that sea. Apprehending, however, that the unfriendly relations which have existed between Algiers and some of the powers of Europe might be extended to us, it has been thought expedient to augment the force there, and, in consequence, the "North Carolina," a ship-of-the-line, has been prepared and will sail in a few days to join it.

The force employed in the gulf of Mexico, and in the neighboring seas, for the suppression of piracy, has likewise been preserved essentially in the state in which it was during the last year. A persevering effort has been made for the accomplishment of that object, and much protection has thereby been afforded to our commerce; but still the practice is far from being suppressed. From every view which has been taken on the subject, it is thought that it will be necessary rather to augment than to diminish our force in that quarter. There is reason to believe that the piracies now complained of are committed by bands of robbers who inhabit the land, and who, by preserving good intelligence with the towns, and seizing favorable opportunities, rush forth and fall on unprotected merchant vessels, of which they make an easy prey. The pillage thus taken they carry to their lurking places, and dispose of afterward at prices tending to seduce the neighboring population. This combination is understood to be of great extent, and is the more to be deprecated, because the crime of piracy is often attended with the murder of the crews, these robbers knowing, if any survived, their lurking places would be exposed and they be caught and punished. That this atrocious practice should be carried to

such an extent, is cause of equal surprise and regret. It is presumed that it must be attributed to the relaxed and feeble state of the local governments, since it is not doubted, from the high character of the governor of Cuba, who is well known and much respected here, that if he had the power he would promptly suppress it. Whether those robbers should be pursued on the land, the local authorities be made responsible for these atrocities, or any other measure be resorted to to suppress them, is submitted to the consideration of Congress.

In the execution of the laws for the suppression of the slave-trade, a vessel has been occasionally sent from that squadron to the coast of Africa, with orders to return thence by the usual track of the slave-ships, and to seize any of our vessels which may be engaged in that trade. None have been found, and it is believed that none are thus employed. It is well known, however, that the trade exists under other flags.

The health of our squadron, while at Thompson's island, has been much better during the present than it was the last season. Some improvements have been made, and others are contemplated there, which, it is believed, will have a very salutary effect.

On the Pacific our commerce has much increased, and on that coast, as well as on that sea, the United States have many important interests which require attention and protection. It is thought that all the considerations which suggested the expediency of placing a squadron on that sea operate with augmented force for maintaining it there, at least in equal extent.

For detailed information respecting the state of our maritime force on each sea, the improvement necessary to be made on either, in the organization of the naval establishment generally, and of the laws for its better government, I refer you to the report of the secretary of the navy, which is herewith communicated.

The revenue of the postoffice department has received a considerable augmentation in the present year. The current receipts will exceed the expenditures, although the transportation of the mail within the year has been much increased. A report of the postmaster-general, which is transmitted, will furnish in detail the necessary information respecting the administration and present state of this department.

In conformity with a resolution of Congress of the last session, an invitation was given to General Lafayette to visit the United States, with an assurance that a ship-of-war should attend at any port of France which he might designate, to receive and convey him across the Atlantic, whenever it might be convenient for him to sail. He declined the offer of the public ship from motives of delicacy, but assured me that he had long intended, and would certainly visit our Union in the course of the present year. In August last he arrived at New York, where he was received with the warmth of affection and gratitude to which his very important and disinterested services and sacrifices in our revolutionary struggle so eminently entitled him. A corresponding sentiment has since been manifested in his favor throughout every portion of our Union, and affectionate invitations have been given him to extend his visits to them. To these he has yielded all the accommodation in his power. At every designated point of rendezvous, the whole population of the neighboring country has been assembled to greet him, among whom it has excited, in a peculiar manner, the sensibility of all, to behold the surviving members of our revolutionary contest, civil and military, who had shared with him in the toils and dangers of the war, many of them in a decrepit state. A more interesting spectacle, it is

believed, was never witnessed, because none could be founded on purer principles—none proceed from higher or more disinterested motives. That the feelings of those who had fought and bled with him in a common cause should have been much excited, was natural. There are, however, circumstances attending these interviews which pervaded the whole community, and touched the breasts of every age, even the youngest among us. There was not an individual present who had not some relative who had not partaken in those scenes, nor an infant who had not heard the relation of them. But the circumstance which was most sensibly felt, and which his presence brought forcibly to the recollection of all, was the great cause in which we were engaged, and the blessings which we have derived from our success in it. The struggle was for independence, and liberty public and personal, and in this we succeeded. The meeting with one who had borne so distinguished a part in that great struggle, and from such lofty and disinterested motives, could not fail to affect profoundly every individual, and of every age. It is natural that we should all take a deep interest in his future welfare as we do. His high claims on our Union are felt, and the sentiment universal, that they should be met in a generous spirit. Under these impressions, I invite your attention to the subject, with a view that, regarding his very important services, losses, and sacrifices, a provision may be made and tendered to him which shall correspond with the sentiments, and be worthy the character, of the American people.

In turning our attention to the condition of the civilized world, in which the United States has always taken a deep interest, it is gratifying to see how large a portion of it is blessed with peace. The only wars which now exist within that limit are those between Turkey and Greece, in Europe, and between Spain and the new governments, our neighbors, in this hemisphere. In both these wars, the cause of independence, of liberty, and humanity, continues to prevail. The success of Greece, when the relative population of the contending parties is considered, commands our admiration and applause, and that it has had a similar effect with the neighboring powers is obvious. The feeling of the whole civilized world is excited in a high degree in their favor. May we not hope that these sentiments, winning on the hearts of their respective governments, may lead to a more decisive result; that they may produce an accord among them, to replace Greece on the ground which she formerly held, and to which her heroic exertions, at this day, so eminently entitle her?

With respect to the contest to which our neighbors are a party, it is evident that Spain, as a power, is scarcely felt in it. These new states had completely achieved their independence before it was acknowledged by the United States, and they have since maintained it with little foreign pressure. The disturbances which have appeared in certain portions of that vast territory have proceeded from internal causes, which had their origin in their former governments and have not yet been thoroughly removed. It is manifest that these causes are daily losing their effect, and that these new states are settling down under governments, elective and representative in every branch, similar to our own. In this course we ardently wish them to persevere, under a firm conviction that it will promote their happiness. In this, their career, however, we have not interfered, believing that every people have a right to institute for themselves the government which, in their judgment, may suit them best. Our example is before them, of the good effect of which, being our neighbors, they are competent judges, and to their judgment we leave it, in the expectation

that other powers will pursue the same policy. The deep interest which we take in their independence, which we have acknowledged, and in their enjoyment of all the rights incident thereto, especially in the very important one of instituting their own governments, has been declared, and is known to the world. Separated as we are from Europe, by the great Atlantic ocean, we can have no concern in the wars of the European governments, nor in the causes which produce them. The balance of power between them, into whichever scale it may turn in its various vibrations, can not affect us. It is the interest of the United States to preserve the most friendly relations with every power, and on conditions fair, equal, and applicable to all. But in regard to our neighbors our situation is different. It is impossible for the European governments to interfere in their concerns, especially in those alluded to, which are vital, without affecting us; indeed, the motive which might induce such interference in the present state of the war between the parties, if a war it may be called, would appear to be equally applicable to us. It is gratifying to know that some of the powers with whom we enjoy a very friendly intercourse, and to whom these views have been communicated, have appeared to acquiesce in them.

The augmentation of our population, with the expansion of our Union, and increased number of states, have produced effects in certain branches of our system which merit the attention of Congress. Some of our arrangements, and particularly of the judiciary establishment, were made with a view to the original thirteen states only. Since then, the United States have acquired a vast extent of territory; eleven new states have been admitted into the Union, and territories have been laid off for three others, which will likewise be admitted at no distant day. An organization of the supreme court, which assigns to the judges any portion of the duties which belong to the inferior, requiring their passage over so vast a space, under any distribution of the states that may now be made, if not impracticable in the execution, must render it impossible for them to discharge the duties of either branch with advantage to the Union. The duties of the supreme court would be of great importance, if its decisions were confined to the ordinary limits of other tribunals, but when it is considered that this court decides, and in the last resort, on all the great questions which arise under our constitution, involving those between the United States individually, between the states and the United States, and between the latter and foreign powers, too high an estimate of their importance can not be formed. The great interests of the nation seem to require that the judges of the supreme court should be exempt from every other duty than those which are incident to that high trust. The organization of the inferior courts would of course be adapted to circumstances. It is presumed that such a one might be formed as would secure an able and faithful discharge of their duties, and without any material augmentation of expense.

The condition of the aborigines within our limits, and especially those who are within the limits of any of the states, merits, likewise, particular attention. Experience has shown, that unless the tribes be civilized they can never be incorporated into our system in any form whatever. It has likewise shown, that in the regular augmentation of our population, with the extension of our settlements, their situation will become deplorable if their extinction is not menaced. Some well-digested plan, which will rescue them from such calamities, is due to their rights, to the rights of

humanity, and to the honor of the nation. Their civilization is indispensable to their safety, and this can be accomplished only by degrees. The process must commence with the infant state, through whom some effect may be wrought on the parental. Difficulties of the most serious character present themselves to the attainment of this very desirable result, on the territory on which they now reside. To remove them from it by force, even with a view to their own security and happiness, would be revolting to humanity, and utterly unjustifiable. Between the limits of our present states and territories and the Rocky mountains and Mexico, there is a vast territory to which they might be invited, with inducements which might be successful. It is thought that if that territory should be divided into districts, by previous agreement with the tribes now residing there, and civil governments be established in each, with schools for every branch of instruction in literature and in the arts of civilized life, that all the tribes now within our limits might gradually be drawn there. The execution of this plan would necessarily be attended with expense, and that not inconsiderable; but it is doubted whether any other can be devised which would be less liable to that objection, or more likely to succeed.

In looking to the interests which the United States have on the Pacific ocean, and on the western coast of this continent, the propriety of establishing a military post at the mouth of Columbia river, or at some other point in that quarter, within our acknowledged limits, is submitted to the consideration of Congress. Our commerce and fisheries on that sea, and along the coast, have much increased, and are increasing. It is thought that a military post, to which our ships-of-war might resort, would afford protection to every interest, and have a tendency to conciliate the tribes to the northwest, with whom our trade is extensive. It is thought, also, that by the establishment of such a post, the intercourse between our western states and territories and the Pacific, and our trade with the tribes residing in the interior, on each side of the Rocky mountains, would be essentially promoted. To carry this object into effect, the appropriation of an adequate sum to authorize the employment of a frigate, with an officer of the corps of engineers, to explore the mouth of the Columbia river, and the coast contiguous thereto, to enable the executive to make such establishment at the most suitable point, is recommended to Congress.

It is thought that attention is also due to the improvement of this city. The communication between the public buildings, and in various other parts, and the grounds around those buildings, require it. It is presumed, also, that the completion of the canal from the Tiber to the eastern branch would have a very salutary effect. Great exertions have been made, and expenses incurred, by the citizens, in improvements of various kinds; but those which are suggested belong exclusively to the government, or are of a nature to require expenditures beyond their resources. The public lots which are still for sale, would, it is not doubted, be more than adequate to these purposes.

From the view above presented, it is manifest that the situation of the United States is in the highest degree prosperous and happy. There is no object which, as a people, we can desire, which we do not possess or which is not within our reach. Blessed with governments the happiest which the world ever knew, with no distinct orders in society or divided interests in any portion of the vast territory over which their dominion extends, we have every motive to cling together which can animate a virtuous and en-

lightened people. The great object is to preserve those blessings, and to hand them down to our latest posterity. Our experience ought to satisfy us, that our progress, under the most correct and provident policy, will not be exempt from danger. Our institutions form an important epoch in the history of the civilized world. On their preservation, and in their utmost purity, everything will depend. Extending as our interests do to every part of the inhabited globe, and to every sea to which our citizens are carried by their industry and enterprise, to which they are invited by the wants of others, and have a right to go, we must either protect them in the enjoyment of their rights or abandon them, in certain events, to waste and desolation. Our attitude is highly interesting as relates to other powers, and particularly to our southern neighbors. We have duties to perform, with respect to all, to which we must be faithful. To every kind of danger we should pay the most vigilant and unceasing attention; remove the cause where it may be practicable, and be prepared to meet it when inevitable.

Against foreign danger, the policy of the government seems to be already settled. The events of the late war admonished us to make our maritime frontier impregnable by a well-digested chain of fortifications, and to give efficient protection to our commerce by augmenting our navy to a certain extent, which has been steadily pursued, and which it is incumbent upon us to complete as soon as circumstances will permit. In the event of war, it is on the maritime frontier that we shall be assailed. It is in that quarter, therefore, that we should be prepared to meet the attack. It is there that our whole force will be called into action to prevent the destruction of our towns, and the desolation and pillage of the interior. To give full effect to this policy, great improvements will be indispensable. Access to those works, by every practicable communication, should be made easy, and in every direction. The intercourse, also, between every part of our Union, should be promoted and facilitated by the exercise of those powers which may comport with a faithful regard to the great principles of our constitution. With respect to internal causes, these great principles point out with equal certainty the policy to be pursued. Resting on the people, as our governments do, state and national, with well-defined powers, it is of the highest importance that they severally keep within the limits prescribed to them. Fulfilling that sacred duty, it is of equal importance that the movement between them be harmonious, and in case of any disagreement, should any such occur, a calm appeal be made to the people; and their voice be heard and promptly obeyed. But governments being instituted for the common good, we can not fail to prosper while those who made them are attentive to the conduct of their representatives and control their measures. In the pursuit of those great objects, let a generous spirit and national views and feelings be indulged; and let every part recollect that, by cherishing that spirit and improving the condition of the others in what relates to their welfare, the general interest will not only be promoted, but the local advantages be reciprocated.

I can not conclude this communication, the last of the kind which I shall have to make, without recollecting, with great sensibility and heartfelt gratitude, the many instances of the public confidence and the generous support which I have received from my fellow-citizens in the various trusts with which I have been honored. Having commenced my service in early youth, and continued it since with few and short intervals, I have

witnessed the great difficulties to which our Union has been exposed, and admired the virtue and courage with which they were surmounted. From the present prosperous and happy state I derive a gratification which I can not express. That these blessings may be preserved and perpetuated, will be the object of my fervent and unceasing prayers to the Supreme Ruler of the universe.

SPECIAL MESSAGE.

JANUARY 13, 1818.

To the Senate and House of Representatives of the United States :—

I HAVE the satisfaction to inform Congress, that the establishment at Amelia island has been suppressed, and without the effusion of blood. The papers which explain this transaction, I now lay before Congress.

By the suppression of this establishment, and that of Galvestown, which will soon follow, if it has not already ceased to exist, there is good cause to believe that the consummation of a project fraught with much injury to the United States has been prevented.

When we consider the persons engaged in it, being adventurers from different countries, with very few, if any, of the native inhabitants of the Spanish colonies, the territory on which the establishments were made—one on a portion of that claimed by the United States, westward of the Mississippi, the other on a part of East Florida, a province in negotiation between the United States and Spain—the claim of their leader, as announced by his proclamation on taking possession of Amelia island, comprising the whole of both the Floridas, without excepting that part of West Florida which is incorporated with the state of Louisiana; their conduct while in the possession of the island, making it instrumental to every species of contraband, and in regard to slaves, of the most odious and dangerous character; it may fairly be concluded, that, if the enterprise had succeeded on the scale on which it was formed, much annoyance and injury would have resulted from it to the United States.

Other circumstances were thought to be no less deserving of attention. The institution of a government by foreign adventurers in the island, distinct from the colonial governments of Buenos Ayres, Venezuela, or Mexico, pretending to sovereignty, and exercising its highest offices, particularly in granting commissions to privateers, were acts which could not fail to draw after them the most serious consequences. It was the duty of the executive, either to extend to this establishment all the advantages of that neutrality which the United States had proclaimed, and have observed in favor of the colonies of Spain, who, by the strength of their own population and resources, had declared their independence, and were affording strong proof of their ability to maintain it, or of making the discrimination which circumstances require.

Had the first course been pursued, we should not only have sanctioned all the unlawful claims and practices of this pretended government in regard to the United States, but countenanced a system of privateering in the gulf of Mexico, and elsewhere, the ill effects of which might, and probably would, have been deeply and very extensively felt.

The path of duty was plain from the commencement, but it was painful to enter upon it while the obligation could be resisted. The law of 1811, lately published, and which it is therefore proper now to mention, was considered applicable to the case, from the moment that the proclamation of the chief of the enterprise was seen, and its obligation was daily increased by other considerations of high importance already mentioned, which were deemed sufficiently strong in themselves to dictate the course which has been pursued.

Early intimations having been received of the dangerous purposes of these adventurers, timely precautions were taken by the establishment of a force near the St. Mary's, to prevent their effect, or it is probable that it would have been more sensibly felt.

To such establishments, made so near to our settlements, in the expectation of deriving aid from them, it is particularly gratifying to find, that very little encouragement was given. The example so conspicuously displayed by our fellow-citizens, that their sympathies can not be perverted to improper purposes, but that a love of country, the influence of moral principles, and a respect for the laws, are predominant with them, is a sure pledge, that all the very flattering anticipations which have been formed of the success of our institutions will be realized. This example has proved, that if our relations with foreign powers are to be changed, it must be done by the constituted authorities, who alone, acting on a high responsibility, are competent to the purpose; and until such change is thus made, that our fellow-citizens will respect the existing relations by a faithful adherence to the laws which secure them.

Believing that this enterprise, though undertaken by persons some of whom may have held commissions from some of the colonies, was unauthorized by, and unknown to, the colonial governments, full confidence is entertained, that it will be disclaimed by them, and that effectual measures will be taken to prevent the abuse of their authority in all cases to the injury of the United States.

For these injuries, especially those proceeding from Amelia island, Spain would be responsible, if it was not manifest that, although committed in the latter instance through her territory, she was utterly unable to prevent them. Her territory, however, ought not to be made instrumental, through her inability to defend it, to purposes so injurious to the United States. To a country over which she fails to maintain her authority, and which she permits to be converted to the annoyance of her neighbors, her jurisdiction for the time necessarily ceases to exist. The territory of Spain will nevertheless be respected, so far as it may be done consistently with the essential interests and safety of the United States. In expelling these adventurers from these posts, it was not intended to make any conquest from Spain, or to injure in any degree the cause of the colonies. Care will be taken, that no part of the territory contemplated by the law of 1811 shall be occupied by a foreign government of any kind, or that injuries, of the nature of those complained of, shall be repeated; but this, it is expected, will be provided for, with every other interest, in a spirit of amity, in the negotiation now depending with the government of Spain.

SPECIAL MESSAGE.

DECEMBER 17, 1819.

To the Senate and House of Representatives of the United States:—

SOME doubt being entertained respecting the true intent and meaning of the act of the last session, entitled, "An act in addition to the acts prohibiting the slave-trade," as to the duties of the agents to be appointed on the coast of Africa, I think it proper to state the interpretation which has been given of the act, and the measures adopted to carry it into effect, that Congress may, should it be deemed advisable, amend the same, before further proceedings are had under it.

The obligation to instruct the commanders of all our armed vessels to seize and bring into port all ships or vessels of the United States, wheresoever found, having on board any negro, mulatto, or person of color, in violation of former acts for the suppression of the slave-trade, being imperative, was executed without delay. No seizures have yet been made; but, as they were contemplated by the law, and might be presumed, it seemed proper to make the necessary regulations applicable to such seizures for carrying the several provisions of the act into effect.

It is enjoined on the executive to cause all negroes, mulattoes, or persons of color, who may be taken under the act, to be removed to Africa. It is the obvious import of the law, that none of the persons thus taken should remain within the United States; and no place other than the coast of Africa being designated, their removal or delivery, whether carried from the United States, or landed immediately from the vessels in which they were taken, was supposed to be confined to the coast. No settlement or station being specified, the whole coast was thought to be left open for the selection of a proper place, at which the persons thus taken should be delivered. The executive is authorized to appoint one or more agents, residing there, to receive such persons; and one hundred thousand dollars are appropriated for the general purposes of the law.

On due consideration of the several sections of the act, and of its humane policy, it was supposed to be the intention of Congress, that all the persons above described, who might be taken under it, and landed in Africa, should be aided in their return to their former homes, or in their establishment at or near the place where landed. Some shelter and food would be necessary for them there, as soon as landed, let their subsequent disposition be what it might. Should they be landed without such provision having been previously made, they might perish.

It was supposed, by the authority given to the executive to appoint agents residing on the coast, that they should provide such shelter and food, and perform the other beneficent and charitable offices contemplated by the act. The coast of Africa having been little explored, and no persons residing there, who possessed the requisite qualifications to entitle them to the trust, being known to the executive, to none such could it be committed. It was believed that citizens only, who would go hence, well instructed in the views of the government, and zealous to give them effect, would be competent to these duties, and that it was not the intention of the law to preclude their appointment. It was obvious, that the longer these persons should be detained in the United States in the hands of the marshals, the greater would be the expense, and that for the same term

would the main purpose of the law be suspended. It seemed, therefore, to be incumbent on me to make the necessary arrangements for carrying this act into effect in Africa, in time to meet the delivery of any persons who might be taken by the public vessels and landed there under it.

On this view of the policy and sanctions of the law, it has been decided to send a public ship to the coast of Africa with two such agents, who will take with them tools and other implements, necessary for the purposes above mentioned. To each of these agents a small salary has been allowed—fifteen hundred dollars to the principal, and twelve hundred to the other.

All our public agents on the coast of Africa receive salaries for their services, and it was understood that none of our citizens, possessing the requisite qualifications, would accept these trusts, by which they would be confined to parts the least frequented and civilized, without a reasonable compensation. Such allowance, therefore, seemed to be indispensable to the execution of the act. It is intended, also, to subject a portion of the sum appropriated to the order of the principal agent, for the special objects above stated, amounting in the whole, including the salaries of the agent for one year, to rather less than one third of the appropriation. Special instructions will be given to these agents, defining, in precise terms, their duties, in regard to the persons thus delivered to them, the disbursement of the money by the principal agent, and his accountability for the same. They will also have power to select the most suitable place, on the coast of Africa, at which all persons who may be taken under this act shall be delivered to them, with an express injunction to exercise no power founded on the principle of colonization, or other power than that of performing the benevolent offices above recited, by the permission and sanction of the existing government under which they may establish themselves. Orders will be given to the commander of the public ship in which they will sail, to cruise along the coast, to give the more complete effect to the principal object of the act.

SPECIAL MESSAGE.

FEBRUARY 25, 1822.

To the Senate and House of Representatives of the United States:—

UNDER the appropriation made by the act of Congress of the 11th of April, 1820, for holding treaties with the Creek and Cherokee nations of Indians, for the extinguishment of the Indian title to lands within the state of Georgia, pursuant to the fourth condition of the first article of the articles of agreement and cession, concluded between the United States and the state of Georgia, on the 24th day of April, 1802, a treaty was held with the Creek nation, the expense of which, upon the settlement of the accounts of the commissioners who were appointed to conduct the negotiation, was ascertained to amount to the sum of twenty-four thousand six hundred and ninety-five dollars, leaving an unexpended balance of the sum appropriated of five thousand three hundred and five dollars; a sum too small to negotiate a treaty with the Cherokees, as was contemplated by the act making the appropriation.

The legislature of Georgia being still desirous that a treaty should be held for further extinguishment of the Indian title to lands within that

state, and to obtain an indemnity to the citizens of that state for property of considerable value, which has been taken from them by the Cherokee Indians, I submit the subject to the consideration of Congress, that a further sum, which, in addition to the balance of the former appropriation, will be adequate to the expenses attending a treaty with them, may be appropriated, should Congress deem it expedient.

SPECIAL MESSAGE.

MARCH 8, 1822.

To the Senate and House of Representatives of the United States:—

IN transmitting to the house of representatives the documents called for by the resolution of that house of the 30th of January, I consider it my duty to invite the attention of Congress to a very important subject, and to communicate the sentiments of the executive on it, that, should Congress entertain similar sentiments, there may be such co-operation between the two departments of the government as their respective rights and duties may require.

The revolutionary movement in the Spanish provinces in this hemisphere, attracted the attention and excited the sympathy of our fellow-citizens from its commencement. This feeling was natural and honorable to them, from causes which need not be communicated to you. It has been gratifying to all to see the general acquiescence which has been manifested in the policy which the constituted authorities have deemed it proper to pursue in regard to this contest. As soon as the movement assumed such a steady and consistent form as to make the success of the provinces probable, the rights to which they were entitled by the law of nations, as equal parties to a civil war, were extended to them. Each party was permitted to enter our ports with its public and private ships, and to take from them every article which was the subject of commerce with other nations. Our citizens, also, have carried on commerce with both parties, and the government has protected it, with each, in articles not contraband of war. Through the whole of this contest the United States have remained neutral, and have fulfilled with the utmost impartiality all the obligations incident to that character.

This contest has now reached such a stage, and been attended with such decisive success on the part of the provinces, that it merits the most profound consideration whether their right to the rank of independent nations, with all the advantages incident to it, in their intercourse with the United States, is not complete. Buenos Ayres assumed that rank by a formal declaration in 1816, and has enjoyed it since 1810, free from invasion by the parent-country. The provinces composing the republic of Colombia, after having separately declared their independence, were united by a fundamental law of the 17th of December, 1819. A strong Spanish force occupied at that time certain parts of the territory within their limits, and waged a destructive war. That force has since been repeatedly defeated, and the whole of it either made prisoners or destroyed, or expelled from the country, with the exception of an inconsiderable portion only, which is blockaded by two fortresses. The provinces on the Pacific have likewise been very successful. Chili declared independence in 1818, and has

since enjoyed it undisturbed; and of late, by the assistance of Chili and Buenos Ayres, the revolution has extended to Peru. Of the movement of Mexico our information is less authentic, but it is, nevertheless, distinctly understood, that the new government has declared its independence, and that there is now no opposition to it there, nor a force to make any. For the last three years the government of Spain has not sent a single corps of troops to any part of that country; nor is there any reason to believe it will send any in future. Thus, it is manifest that all those provinces are not only in the full enjoyment of their independence, but, considering the state of the war and other circumstances, that there is not the most remote prospect of their being deprived of it.

When the result of such a contest is manifestly settled, the new governments have a claim to recognition by other powers which ought not to be resisted. Civil wars too often excite feelings which the parties can not control. The opinion entertained by other powers as to the result, may assuage those feelings, and promote an accommodation between them, useful and honorable to both. The delay which has been observed in making a decision on this important subject, will, it is presumed, have afforded an unequivocal proof to Spain, as it must have done to other powers, of the high respect entertained by the United States for her rights, and of their determination not to interfere with them. The provinces belonging to this hemisphere are our neighbors, and have, successively, as each portion of the country acquired its independence, pressed their recognition by an appeal to facts not to be contested, and which they thought gave them a just title to it. To motives of interest, this government has invariably disclaimed all pretension, being resolved to take no part in the controversy, or other measure in regard to it, which should not merit the sanction of the civilized world. To other claims a just sensibility has been always felt and frankly acknowledged, but they, in themselves, could never become an adequate cause of action. It was incumbent on this government to look to every important fact and circumstance on which a sound opinion could be formed, which has been done. When we regard, then, the great length of time which this war has been prosecuted, the complete success which has attended it in favor of the provinces, the present condition of the parties, and the utter inability of Spain to produce any change in it, we are compelled to conclude that its fate is settled, and that the provinces which have declared their independence, and are in the enjoyment of it, ought to be recognised.

Of the views of the Spanish government on this subject, no particular information has been recently received. It may be presumed that the successful progress of the revolution, through such a long series of years, gaining strength and extending annually in every direction, and embracing by the late important events, with little exception, all the dominions of Spain, south of the United States, on this continent, placing thereby the complete sovereignty over the whole in the hands of the people, will reconcile the parent-country to an accommodation with them on the basis of their unqualified independence. Nor has any authentic information been recently received of the disposition of other powers respecting it. A sincere desire has been cherished to act in concert with them in the proposed recognition, of which several were sometime past duly apprized; but it was understood that they were not prepared for it. The immense space between those powers, even those which border on the Atlantic, and these provinces, make the movement an affair of less interest and excite-

ment to them, than to us. It is probable, therefore, that they have been less attentive to its progress than we have been. It may be presumed, however, that the late events will dispel all doubt of the result.

In proposing this measure, it is not contemplated to change thereby, in the slightest manner, our friendly relations with either of the parties, but to observe in all respects, as heretofore, should the war be continued, the most perfect neutrality between them. Of this friendly disposition, an assurance will be given to the government of Spain, to whom it is presumed it will be, as it ought to be, satisfactory. The measure is proposed under a thorough conviction that it is in strict accord with the law of nations; that it is just and right as to the parties; and that the United States owe it to their station and character in the world, as well as to their essential interests, to adopt it. Should Congress concur in the view herein presented, they will doubtless see the propriety of making the necessary appropriations for carrying it into effect.

SPECIAL MESSAGE.

MARCH 26, 1822.

To the Senate and House of Representatives of the United States:—

CONGRESS having suspended the appropriation, at the last session, for the fortification at Dauphin island, in consequence of a doubt which was entertained of the propriety of that position, the further prosecution of the work was suspended, and an order given, as intimated in the message of the 3d of December, to the board of engineers and naval commissioners, to re-examine that part of the coast, and particularly that position, as also the position at Mobile point, with which it is connected, and to report their opinion thereon, which has been done, and which report is herewith communicated.

By this report it appears to be still the opinion of the board, that the construction of works at both these positions is of great importance to the defence of New Orleans, and of all that portion of our Union which is connected with, and dependent on, the Mississippi, and on the other waters which empty into the gulf of Mexico, between that river and Cape Florida. That the subject may be fully before Congress, I transmit, also, a copy of the former report of the board, being that on which the work was undertaken, and has been in part executed. Approving as I do the opinion of the board, I consider it my duty to state the reasons on which I adopted the first report, especially as they were in part suggested by the occurrences of the late war.

The policy which induced Congress to decide on and provide for the defence of the coast, immediately after the war, was founded on the marked events of that interesting epoch. The vast body of men which it was found necessary to call into the field, through the whole extent of our maritime frontier, and the number who perished by exposure, with the immense expenditure of money and waste of property which followed, were to be traced in an eminent degree to the defenceless condition of the coast. It was to mitigate these evils in future wars, and even for the higher purpose of preventing war itself, that the decision was formed to make the coast, so far as it might be practicable, impregnable, and that the

measures necessary to that great object have been pursued with so much zeal since.

It is known that no part of our Union is more exposed to invasion by the numerous avenues leading to it, or more defenceless by the thinness of the neighboring population, or offers a greater temptation to invasion, either as a permanent acquisition or as a prize to the cupidity of grasping invaders, from the immense amount of produce deposited there, than the city of New Orleans. It is known, also, that the seizure of no part of our Union could affect so deeply and vitally the immediate interests of so many states, and of so many of our fellow-citizens, comprising all that extensive territory and numerous population which are connected with, and dependent on, the Mississippi, as the seizure of that city. Strong works, well posted, were therefore deemed absolutely necessary for its protection.

It is not, however, by the Mississippi only, or the waters which communicate directly with, or approach nearest to, New Orleans, that the town is assailable. It will be recollected that, in the late war, the public solicitude was excited, not so much by the danger which menaced it in those directions, as by the apprehension that, while a feint might be made there, the main force, landing either in the bay of Mobile, or other waters between that bay and the Rigolets, would be thrown above the town, in the rear of the army which had been collected there for its defence. Full confidence was entertained that that gallant army, led by the gallant and able chief who commanded it, would repel any attack to which it might be exposed in front. But had such a force been thrown above the town, and a position taken on the banks of the river, the disadvantage to which our troops would have been subjected, attacked in front and rear as they might have been, may easily be conceived. As their supplies would have been cut off, they could not long have remained in the city, and withdrawing from it, it must have fallen immediately into the hands of the force below. In ascending the river, to attack the force above, the attack must have been made to great disadvantage, since it must have been on such ground, and at such a time, as the enemy preferred. These considerations show that defences, other than such as are immediately connected with the city, are of great importance to its safety.

An attempt to seize New Orleans and the lower part of the Mississippi, will be made only by a great power, or a combination of several powers, with a strong naval and land force, the latter of which must be brought in transports which may sail in shallow water. If the defences around New Orleans are well posted, and of sufficient strength to repel any attack which may be made on them, the city can be assailed only by a land force, which must pass in the direction above suggested, between the Rigolets and the bay of Mobile. It becomes, therefore, an object of high importance to present such an obstacle to such an attempt as would defeat it should it be made. Fortifications are useful for the defence of posts, to prevent the approach to cities, and the passage of rivers; but as works, their effect can not be felt beyond the reach of their cannon. They are formidable in other respects, by the body of men with them, which may be removed and applied to other purposes.

Between the Rigolets and the bay of Mobile, there is a chain of islands, at the extremity of which is Dauphin island, which forms, with Mobile point, from which it is distant about three and a quarter miles, the entrance into the bay of Mobile, which leads through that part of the state of Ala-

bama to the towns of Mobile and Blakeley. The distance between Dauphin island and the Rigolets is ninety miles. The principal islands between them are Massacre, Horn, Ship, and Cat islands, near to which there is an anchorage for large ships-of-war. The first object is to prevent the landing of any force, for the purposes above stated, between the Rigolets and the bay of Mobile; the second, to defeat that force in case it should be landed. When the distance from one point to the other is considered, it is believed that it would be impossible to establish works so near to each other as to prevent the landing of such a force. Its defeat, therefore, should be effectually provided for. If the arrangement should be such as to make that result evident, it might be fairly concluded that the attempt would not be made, and thus we should accomplish in the best mode possible, and with the least expense, the complete security of this important part of our Union, the great object of our system of defence for the whole.

There are some other views of this subject which it is thought will merit particular attention in deciding the point in question. Not being able to establish a chain of posts, at least for the present, along the whole coast, from the Rigolets to Dauphin island, or on all the islands between them, at which point shall we begin? Should an attack on the city be anticipated, it can not be doubted that an adequate force would immediately be ordered there for its defence. If the enemy should despair of making an impression on the works near the town, it may be presumed that they would promptly decide to make the attempt in the manner, and in the line above suggested, between the Rigolets and the bay of Mobile. It will be obvious that the nearer the fortification is erected to the Rigolets, with a view to this subject, should it be on Cat or Ship island, for example, the wider would the passage be left open between that work and the bay of Mobile, for such an enterprise. The main army being drawn to New Orleans, would be ready to meet such an attempt near the Rigolets, or any other point not distant from the city. It is probable, therefore, that the enemy, profiting of a fair wind, would make his attempt at the greatest distance compatible with his object from that point, and at the bay of Mobile, should there not be works there of sufficient strength to prevent it. Should, however, strong works be erected there, such as were sufficient not only for their own defence against any attack which might be made on them, but to hold a force connected with that which might be drawn from the neighboring country, capable of co-operating with the force at the city, and which would doubtless be ordered to those works in the event of war, it would be dangerous for the invading force to land anywhere between the Rigolets and the bay of Mobile, and to pass toward the Mississippi above the city, lest such a body might be thrown in its rear as to cut off its retreat. These considerations show the great advantage of establishing, at the mouth of the bay of Mobile, very strong works, such as would be adequate to all the purposes suggested.

If fortifications were necessary only to protect our country and cities against the entry of large ships-of-war into our bays and rivers, they would be of little use for the defence of New Orleans, since that city can not be approached so near, either by the Mississippi or in any other direction, by such vessels, for them to make an attack on it. In the gulf, within our limits west of Florida, which has been acquired since these works were decided on and commenced, there is no bay or river into which large ships-of-war can enter. As a defence, therefore, against an attack from such

vessels, extensive works would be altogether unnecessary, either at Mobile point or Dauphin island, since sloops-of-war only can navigate the deepest channel. But it is not for that purpose alone that these works are intended. It is to provide, also, against a formidable invasion, both by land and sea, the object of which may be to shake the foundation of our system. Should such small works be erected, and such an invasion take place, they would be sure to fall at once into the hands of the invaders, and to be turned against us.

Whether the acquisition of Florida may be considered as affording an inducement to make any change in the position or strength of these works, is a circumstance which also merits attention. From the view which I have taken of the subject, I am of opinion that it should not. The defence of New Orleans and of the river Mississippi, against a powerful invasion, being one of the great objects of such extensive works, that object would be essentially abandoned if they should be established eastward of the bay of Mobile, since the force to be collected in them would be placed at too great a distance to allow the co-operation necessary for those purposes, between it and that at the city. In addition to which, it may be observed, that by carrying them to Pensacola, or further to the east, that bay would fall immediately, in case of such invasion, into the hands of the enemy, whereby such co-operation would be rendered utterly impossible, and the state of Alabama would also be left wholly unprotected.

With a view to such formidable invasion, of which we should never lose sight, and of the great objects to which it would be directed, I think that very strong works at some point within the gulf of Mexico will be found indispensable. I think, also, that those works ought to be established at the bay of Mobile, one at Mobile point, and the other on Dauphin island, whereby the enemy would be excluded, and the complete command of that bay, with all the advantages attending it, be secured to ourselves. In the case of such invasion, it will, it is presumed, be deemed necessary to collect, at some point other than at New Orleans, a strong force, capable of moving in any direction, and affording aid to any part which may be attacked; and, in my judgment, no position presents so many advantages as a point of rendezvous for such force, as the mouth of that bay. The fortification at the Rigolets will defend the entrance by one passage into Lake Pontchartrain, and also into Pearl river, which empties into the gulf at that point. Between the Rigolets and Mobile bay, there are but two inlets which deserve the name, those at St. Louis and Pascagola, the entrance into which is too shallow even for the smallest vessels; and from the Rigolets to Mobile bay, the whole coast is equally shallow, affording the depth of a few feet of water only. Cat island, which is nearest the Rigolets, is about seven and a half miles distant from the coast, and thirty from the Rigolets. Ship island is distant about ten miles from Cat island, and twelve from the coast. Between these islands and the coast, the water is very shallow.

As to the precise depth of water, in approaching those islands from the gulf, the report of the topographical engineers not having yet been received, it is impossible to speak with precision; but admitting it to be such as for frigates, and even ships-of-the-line to enter, the anchorage at both is unsafe, being much exposed to northwest winds. Along the coast, therefore, there is no motive for such strong works on our part; no town to guard; no inlet into the country to defend; and, if placed on the islands,

(and the entrance to them is such as to admit large ships-of-war), distant as they are from the coast, it would be more easy for the enemy to assail them with effect.

The position, however, at Mobile bay is essentially different. That bay takes its name from Mobile river, which is formed by the junction of the Alabama and Tombigbee, which extend, each, about three hundred miles into the interior, approaching, at their head waters, near the Tennessee river. If the enemy possessed its mouth, and fortified Mobile point and Dauphin island, being superior at sea, it would be very difficult for us to dispossess him of either, even of Mobile point; and holding that position, Pensacola would soon fall, as, without incurring great expense in the construction of works there, it would present but a feeble resistance to a strong force in its rear. If we had a work at Mobile point only, the enemy might take Dauphin island, which would afford him great aid in attacking the point, and enable him, even should we succeed in repelling the attack, to render us great mischief there, and throughout the whole gulf. In every view which can be taken of the subject, it appears indispensable for us to command the entrance into Mobile bay; and that decision being taken, I think the considerations which favor the occupation of Dauphin island, by a strong work, are conclusive. It is proper to observe, that after the repulse before New Orleans, in the late war, the British forces took possession of Dauphin island and held it till the peace. Under neither of the reports of the board of engineers and naval commissioners could any but sloops-of-war enter the bay, or the anchorage between Dauphin and Pelican islands. Both reports give to that anchorage eighteen feet at low water, and twenty and a half at high. The only difference between them consists in this: that in the first, a bar leading to the anchorage reducing the depth of water to twelve feet at low tide, was omitted. In neither case could frigates enter, though sloops-of-war of larger size might. The whole scope, however, of this reasoning turns on a different principle —on the works necessary to defend that bay, and by means thereof, New Orleans, the Mississippi, and all the surrounding country, against a powerful invasion both by land and sea, and not on the precise depth of water in any of the approaches to the bay or to the island.

The reasoning which is applicable to the works near New Orleans, and at the bay of Mobile, is equally so, in certain respects, to those which are to be erected for the defence of all the bays and rivers along the other parts of the coast. All those works are also erected on a greater scale than would be necessary for the sole purpose of preventing the passage of our inlets by large ships-of-war. They are, in most instances, formed for defence against a more powerful invasion, both by land and sea. There are, however, some differences between the works which are deemed necessary in the gulf, and those in other parts of our Union, founded on the peculiar situation of that part of the coast. The vast extent of the Mississippi, the great outlet and channel of commerce for so many states, all of which may be affected by the seizure of that city, or of any part of the river to a great extent above it, is one of those striking peculiarities which require particular provision. The thinness of the population near the city, making it necessary that the force requisite for its defence should be called from distant parts and states, is another. The danger which the army assembled at New Orleans would be exposed to of being cut off, in case the enemy should throw a force on the river above it, from the difficulty of ascending the river to attack it, and of making a retreat in any

other direction, is a third. For an attack on the city of New Orleans, Mobile bay, or any part of the intermediate coast, ships-of-war would be necessary only as a convoy to protect the transports against a naval force on their passage, and on their approach to the shore for the landing of the men, and on their return home, in case they should be repulsed.

On the important subject of our defences generally, I think proper to observe, that the system was adopted immediately after the late war, by Congress, on great consideration and a thorough knowledge of the effects of that war; by the enormous expense attending it; by the waste of life, of property, and by the general distress of the country. The amount of debt incurred in that war, and due at its conclusion, without taking into the estimate other losses, having been heretofore communicated, need not now be repeated. The interest of the debt thus incurred is four times more than the sum necessary, by annual appropriations, for the completion of our whole system of defence, land and naval, to the extent provided for, and within the time specified. When that system shall be completed, the expense of construction will cease, and our expenditures be proportionally diminished. Should another war occur before it is completed, the experience of the last marks, in characters too strong to be mistaken, its inevitable consequences; and should such war occur, and find us unprepared for it, what will be our justification to the enlightened body whom we represent, for not having completed these defences? That this system should not have been adopted before the late war, can not be a cause of surprise to any one, because all might wish to avoid every expense, the necessity of which might be in any degree doubtful. But with the experience of that war before us, it is thought there is no cause of hesitation. Will the completion of these works, and the augmentation of our navy to the point contemplated by law, require the imposition of onerous burdens on our fellow-citizens, such as they can not or will not bear? Have such, or any burdens been imposed, to advance the system to its present state? It is known that no burdens whatever have been imposed; on the contrary, that all the direct or internal taxes have been long repealed, and none paid but those which are indirect and voluntary, such as are imposed on articles imported from foreign countries, most of which are luxuries, and on the vessels employed in the transportation—taxes which some of our most enlightened citizens think ought to be imposed on many of the articles, for the encouragement of our manufactures, even if the revenue derived from them could be dispensed with. It is known also, that in all other respects our condition as a nation is in the highest degree prosperous and flourishing; nearly half the debt incurred in the late war having already been discharged, and considerable progress having also been made in the completion of this system of defence, and in the construction of other works of great extent and utility, by the revenue derived from these sources and from the sale of the public lands. I may add, also, that a very generous provision has been made from the same sources, for the surviving officers and soldiers of our revolutionary army. These important facts show that this system has been so far executed, and may be completed without any real inconvenience to the public. Were it, however, otherwise, I have full confidence that any burdens which might be found necessary for the completion of this system, in both its branches, within the term contemplated, or much sooner, should any emergency require it, would be called for rather than complained of by our fellow-citizens.

From these views, applicable to the very important subject of our de-

fences generally, as well as to the work at Dauphin island, I think it my duty to recommend to Congress an appropriation for the latter. I consider the withholding it, at the last session, as the expression only of a doubt by Congress of the propriety of the position, and not as a definitive opinion. Supposing that that question would be decided at the present session, I caused the position, and such parts of the coast as are particularly connected with it, to be re-examined, that all the light on which the decision, as to the appropriation, could depend, might be fully before you. In the first survey, the report of which was that on which the works intended for the defence of New Orleans, the Mississippi, the bay of Mobile, and all the country dependent on those waters, were sanctioned by the executive, the commissioners were industriously engaged about six months. I should have communicated that very able and interesting document then, but from a doubt how far the interest of our country would justify its publication, a circumstance which I now mention, that the attention of Congress may be drawn to it.

SPECIAL MESSAGE.

MAY 4, 1822.

To the House of Representatives :—

HAVING duly considered the bill, entitled, "An act for the preservation and repair of the Cumberland Road," it is with deep regret, approving as I do the policy, that I am compelled to object to its passage, and to return the bill to the house of representatives, in which it originated, under a conviction that Congress do not possess the power, under the constitution, to pass such a law.

A power to establish turnpikes, with gates and tolls, and to enforce the collection of the tolls by penalties, implies a power to adopt and execute a complete system of internal improvement. A right to impose duties to be paid by all persons passing a certain road, and on horses and carriages, as is done by this bill, involves the right to take the land from the proprietor, on a valuation, and to pass laws for the protection of the road from injuries; and if it exist as to one road, it exists as to any other, and to as many roads as Congress may think proper to establish. A right to legislate for one of these purposes is a right to legislate for the others. It is a complete right of jurisdiction and sovereignty for all the purposes of internal improvement, and not merely the right of applying money, under the power vested in Congress to make appropriations; under which power, with the consent of the states through which this road passes, the work was originally commenced, and has been so far executed. I am of opinion that Congress do not possess this power—that the states, individually, can not grant it; for although they may assent to the appropriation of money within their limits for such purposes, they can grant no power of jurisdiction or sovereignty by special compacts with the United States. This power can be granted only by an amendment to the constitution, and in the mode prescribed by it.

If the power exist, it must be either because it has been specifically granted to the United States, or that it is incidental to some power which

has been specifically granted. If we examine the specific grants of power, we do not find it among them; nor is it incidental to any power which has been specifically granted.

It has never been contended that the power was specifically granted. It is claimed only as being incidental to some one or more of the powers which are specifically granted. The following are the powers from which it is said to be derived:—

1st. From the right to establish postoffices and postroads. 2d. From the right to declare war. 3d. To regulate commerce. 4th. To pay the debts and provide for the common defence and general welfare. 5th. From the power to make all laws necessary and proper for carrying into execution all the powers vested by the constitution in the government of the United States, or in any department or office thereof. 6th, and lastly. From the power to dispose of, and make all needful rules and regulations respecting the territory and other property of the United States.

According to my judgment, it can not be derived from either of those powers, nor from all of them united, and in consequence it does not exist.

Having stated my objections to the bill, I should now cheerfully communicate at large the reasons on which they are founded, if I had time to reduce them to such form as to include them in this paper. The advanced stage of the session renders that impossible. Having, at the commencement of my service in this high trust, considered it a duty to express the opinion that the United States do not possess the power in question, and to suggest for the consideration of Congress the propriety of recommending to the states an amendment to the constitution, to vest the power in the United States, my attention has been often drawn to the subject since, in consequence whereof I have occasionally committed my sentiments to paper respecting it. The form which this exposition has assumed, is not such as I should have given it, had it been intended for Congress, nor is it concluded. Nevertheless, as it contains my views on this subject, being one which I deem of very high importance, and which, in many of its bearings, has now become peculiarly urgent, I will communicate it to Congress, if in my power, in the course of the day, or certainly on Monday next.

SPECIAL MESSAGE.

MAY 4, 1822.

To the House of Representatives:—

I TRANSMIT the paper, alluded to in the message of this day, on the subject of internal improvements.

Views of the President of the United States on the Subject of Internal Improvements.—It may be presumed that the propositions relating to internal improvements, by roads and canals, which has been several times before Congress, will be taken into consideration again; either for the purpose of recommending to the states the adoption of an amendment to the constitution, to vest the necessary power in the general government, or to carry the system into effect, on the principle that the power has already

been granted. It seems to be the prevailing opinion, that great advantage would be derived from the exercise of such a power by Congress. Respecting the right there is much diversity of sentiment. It is of the highest importance that this question should be settled. If the right exist, it ought, forthwith, to be exercised. ' If it does not exist, surely those who are friends to the power ought to unite in recommending an amendment to the constitution to obtain it. I propose to examine this question.

The inquiry confined to its proper objects, and within the most limited scale, is extensive. Our government is unlike other governments, both in its origin and form. In analyzing it, the differences, in certain respects, between it and those of other nations, ancient and modern, necessarily come into view. I propose to notice these differences, so far as they are connected with the object of inquiry, and the consequences likely to result from them, varying, in equal degree, from those which have attended other governments. The digression, if it may be so called, will, in every instance, be short, and the transition to the main object immediate and direct.

To do justice to the subject, it will be necessary to mount to the source of power in these states, and to pursue this power in its gradations and distribution among the several departments in which it is now vested. The great division is between the state governments and the general government. If there was a perfect accord, in every instance, as to the precise extent of the powers granted to the general government, we should then know, with equal certainty, what were the powers which remained to the state governments; since it would follow, that those which were not granted to the one would remain to the other. But it is on this point, and particularly respecting the cohstruction of these powers, and their incidents, that a difference of opinion exists; and hence it is necessary to trace, distinctly, the origin of each government; the purposes intended by it; and the means adopted to accomplish them. By having the interior of both governments fully before us, we shall have all the means which can be afforded to enable us to form a correct opinion of the endowments of each.

Before the revolution, the present states, then colonies, were separate communities, unconnected with each other, except in their common relation to the crown. Their governments were instituted by grants from the crown; which operated, according to the conditions of each grant, in the nature of a compact between the settlers in each colony and the crown. All power not retained in the crown was vested, exclusively, in the colonies; each having a government, consisting of an executive, a judiciary and a legislative assembly, one branch of which was, in every instance, elected by the people. No office was hereditary, nor did any title under the crown give rank or office in any of the colonies. In resisting the encroachments of the parent-country, and abrogating the power of the crown, the authority which had been held by it, vested, exclusively, in the people of the colonies. By them was a Congress appointed, composed of delegates from each colony who managed the war, declared independence, treated with foreign powers, and acted, in all things, according to the sense of their constituents. The declaration of independence confirmed in form what had before existed in substance. It announced to the world new states, possessing and exercising complete sovereignty, which they were resolved to maintain. They were soon after recognised by France and other powers; and, finally, by Great Britain herself, in 1783.

Soon after the power of the crown was annulled, the people of each

colony established a constitution or frame of government for themselves; in which three separate branches, a legislative, executive, and judiciary, were instituted, each independent of the others. To these branches, each having its appropriate portion, the whole power of the people, not delegated to Congress, was communicated; to be exercised for their advantage, on the representative principle, by persons of their appointment, or otherwise deriving their authority immediately from them, and holding their offices for stated terms. All the powers necessary for useful purposes, held by any of the strongest governments of the old world, not vested in Congress, were imparted to these state governments, without other checks than such as are necessary to prevent abuse, in the form of fundamental declarations, or bills of right. The great difference between our governments and those of the old world, consists in this, that the former, being representative, the persons who exercise their powers do it, not for themselves, or in their own right, but for the people; and, therefore, while they are in the highest degree efficient, they can never become oppressive. It is this transfer of the power of the people to representative and responsible bodies, in every branch, which constitutes the great improvement in the science of government, and forms the boast of our system. It combines all the advantages of every known government, without any of their disadvantages. It retains the sovereignty in the people, while it avoids the tumult and disorder incident to the exercise of that power by the people themselves. It possesses all the energy and efficiency of the most despotic governments, while it avoids all the oppressions and abuses inseparable from those governments.

In every stage of the conflict, from its commencement, until March, 1781, the powers of Congress were undefined, but of vast extent. The assemblies, or conventions, of the several colonies, being formed by representatives from every county in each colony, and the Congress by delegates from each colonial assembly, the powers of the latter, for general purposes, resembled those of the former, for local. They rested on the same basis, the people, and were complete for all the purposes contemplated. Never was a movement so spontaneous, so patriotic, so efficient. The nation exerted its whole faculties in support of its rights and of its independence, after the contest took that direction, and it succeeded. It was, however, foreseen, at a very early stage, that, although the patriotism of the country might be relied on in the struggle for its independence, a well-digested compact would be necessary to preserve it, after obtained. A plan of confederation, was, in consequence, proposed and taken into consideration by Congress, even at the moment when the other great act which severed them from Great Britain, and declared their independence, was proclaimed to the world. This compact was ratified on the 21st March, 1781, by the last state, and thereupon carried into immediate effect.

The following powers were vested in the United States by the articles of confederation. As this, the first bond of union, was in operation nearly eight years, during which time a practical construction was given to many of its powers, all of which were adopted in the constitution, with important additions, it is thought that a correct view of those powers, and of the manner in which they were executed, may shed light on the subject under consideration. It may fairly be presumed, that where certain powers were transferred from one instrument to the other, and in the same terms, or terms descriptive only of the same powers, that it was intended that they

should be construed in the same sense in the latter, that they were in the former :—

Article 1 declares that the style of the confederacy shall be, The United States of America.

Art. 2. Each state retains its sovereignty, freedom and independence, and every power and right which is not expressly delegated to the United States.

Art. 3. The states severally enter into a firm league of friendship with each other, for their common defence, the security of their liberties, and their mutual and general welfare, binding themselves to assist each other against all force offered to, or attacks made upon them, on account of religion, sovereignty, trade, &c.

Art. 4. The free inhabitants of each state, paupers, vagabonds, and fugitives from justice, excepted, shall be entitled to all the privileges and immunities of free citizens in the several states, &c. Fugitives from justice into any of the states, shall be delivered up on the demand of the executive of the state from which they fled. Full faith and credit shall be given, in each state, to the records and acts of every other state.

Art. 5. Delegates shall be annually appointed, by the legislature of each state, to meet in Congress on the first Monday in November, with a power to recall, &c. No state shall appoint less than two, nor more than seven, nor shall any delegate hold his office for more than three in six years. Each state shall maintain its own delegates. Each state shall have one vote. Freedom of speech shall not be impeached, and the members shall be protected from arrests, except for treason, &c.

Art. 6. No state shall send or receive an embassy, or enter into a treaty with a foreign power. Nor shall any person, holding any office of profit or trust under the United States, or any state, accept any present, emolument, office, or title, from a foreign power. Nor shall the United States, or any state, grant any title of nobility. No two states shall enter into any treaty without the consent of Congress. No state shall lay any imposts, or duties, which may interfere with any treaties entered into by the United States. No state shall engage in war, unless invaded or be menaced with invasion by some Indian tribe ; nor grant letters of marque or reprisal, unless it be against pirates, nor keep up vessels-of-war, nor any body of troops, in time of peace, without the consent of Congress ; but every state shall keep up a well-regulated militia, &c.

Art. 7. When land forces are raised by any state for the common defence, all officers of, and under, the rank of colonel, shall be appointed by the legislature of each state.

Art. 8. All charges of war, and all other expenses which shall be incurred for the common defence or general welfare, shall be defrayed out of a common treasury ; which shall be supplied by the several states, in proportion to the value of all the land in each state, granted to individuals. The taxes for paying such proportion shall be levied by the several states.

Art. 9. Congress shall have the sole and exclusive right and power of determining on peace and war, except in the cases mentioned in the 6th article ; of sending and receiving ambassadors ; entering into treaties and alliances, except, &c. ; of establishing rules for deciding what captures on land and water shall be legal ; of granting letters of marque and reprisal in time of peace ; appointing courts for the trial of piracies and felonies on the high seas ; for deciding controversies between the states, and between individuals claiming lands under two or more states, whose jurisdiction has

been adjusted; of regulating the alloy and value of coin struck by their authority, and of foreign coin; fixing the standard of weights and measures; regulating the trade with the Indians; establishing and regulating post-offices from one state to another, and throughout all the state, and exacting such postage as may be requisite to defray the expenses of the office; of appointing all officers of the land forces, except regimental; appointing all the officers of the naval forces; to ascertain the necessary sums of money to be raised for the service of the United States, and appropriate the same; to borrow money, and emit bills of credit; to build and equip a navy; to agree on the number of land forces, and to make requisitions on each state for its quota; that the assent of nine states shall be requisite to these great acts.

Art. 10 regulates the powers of the committee of the states, to sit in the recess of Congress.

Art. 11 provides for the admission of Canada into the confederation.

Art. 12 pledges the faith of the United States for the payment of all bills of credit issued, and money borrowed, on their account.

Art. 13. Every state shall abide by the determination of the United States, on all questions submitted to them by the confederation. The articles of the confederation to be perpetual, and not to be altered without the consent of every state.

This bond of union was soon found to be utterly incompetent to the purposes intended by it. It was defective in its powers; it was defective also in the means of executing the powers actually granted by it. Being a league of sovereign and independent states, its acts, like those of all other leagues, required the interposition of the states composing it, to give them effect within their respective jurisdictions. The acts of Congress, without the aid of state laws to enforce them, were altogether nugatory. The refusal or omission, of one state, to pass such laws, was urged as a reason to justify like conduct in others, and thus the government was soon at a stand.

The experience of a few years demonstrated that the confederation could not be relied on, for the security of the blessings which had been derived from the revolution. The interests of the nation required a more efficient government, which the good sense and virtue of the people provided, by the adoption of the present constitution.

The constitution of the United States was formed by a convention of delegates from the several states, who met in Philadelphia, duly authorized for the purpose, and it was ratified by a convention in each state, which was especially called to consider and decide on the same. In this progress the state governments were never suspended in their functions. On the contrary, they took the lead in it. Conscious of their incompetency to secure to the Union the blessings of the revolution, they promoted the diminution of their own powers, and the enlargement of those of the general government in the way in which they might be most adequate and efficient. it is believed that no other example can be found of a government exerting its influence to lessen its own powers; of a policy so enlightened; of a patriotism so pure and disinterested. The credit however, is more especially due to the people of each state, in obedience to whose will, and under whose control, the state governments acted.

The constitution of the United States being ratified by the people of the several states, became, of necessity, to the extent of its powers, the paramount authority of the Union. On sound principles it can be viewed in

no other light. The people, the highest authority known to our system, from whom all our institutions spring, and on whom they depend, formed it. Had the people of the several states thought proper to incorporate themselves into one community, under one government, they might have done it. They had the power, and there was nothing then, nor is there anything now, should they be so disposed, to prevent it. They wisely stopped, however, at a certain point, extending the incorporation to that point, making the national government, thus far, a consolidated government, and preserving the state governments, without that limit, perfectly sovereign and independent of the national government. Had the people of the several states incorporated themselves into one community, they must have remained such; their constitution becoming then, like the constitution of the several states, incapable of change, until altered by the will of the majority. In the institution of a state government by the citizens of a state, a compact is formed, to which all and every citizen are equal parties. They are also the sole parties, and may amend it at pleasure. In the institution of the government of the United States, by the citizens of every state, a compact was formed between the whole American people, which has the same force, and partakes of all the qualities, to the extent of its powers, as a compact between the citizens of a state, in the formation of their own constitution. It can not be altered, except by those who formed it, or in the mode prescribed by the parties to the compact itself.

This constitution was adopted for the purpose of remedying all the defects of the confederation, and in this it has succeeded, beyond any calculation that could have been formed of any human institution. By binding the states together, the constitution performs the great office of the confederation; but it is in that sense only, that it has any of the properties of that compact, and in that it is more effectual, to the purpose, as it holds them together by a much stronger bond; and in all other respects, in which the confederation failed, the constitution has been blessed with complete success. The confederation was a compact between separate and independent states; the execution of whose articles, in the powers which operated internally, depended on the state governments. But the great office of the constitution by incorporating the people of the several states, to the extent of its powers, into one community, and enabling it to act directly on the people, was to annul the powers of the state governments to that extent, except in cases where they were concurrent, and to preclude their agency in giving effect to those of the general government. The government of the United States relies on its own means for the execution of its powers, as the state governments do for the execution of theirs; both governments having a common origin, or sovereign, the people; the state governments the people of each state, the national government the people of every state, and being amenable to the power which created it. It is by executing its functions as a government, thus originating and thus acting, that the constitution of the United States holds the states together, and performs the office of a league. It is owing to the nature of its powers, and the high source whence they are derived, the people, that it performs that office better than the confederation, or any league which ever existed, being a compact which the state governments did not form, to which they are not parties, and which executes its own powers independently of them.

Thus were two separate and independent governments established over our Union, one for local purposes, over each state, by the people of the

state; the other, for national purposes, over all the states, by the people of the United States. The whole power of the people, on the representative principle, is divided between them. The state governments are independent of each other; and, to the extent of their powers, are complete sovereignties. The national government begins where the state governments terminate, except in some instances where there is a concurrent jurisdiction between them. This government is also, according to the extent of his powers, a complete sovereignty. I speak here, as repeatedly mentioned before, altogether of representative sovereignties, for the real sovereignty is in the people alone.

The history of the world affords no such example of two separate and independent governments established over the same people; nor can it exist, except in governments founded on the sovereignty of the people. In monarchies, and other governments not representative, there can be no such division of power. The government is inherent in the possessor; it is his, and can not be taken from him without a revolution. In such governments, alliances and leagues alone are practicable. But with us, individuals count for nothing in the offices which they hold; that is, they have no right to them. They hold them as representatives, by appointment from the people, in whom the sovereignty is exclusively vested. It is impossible to speak too highly of this system, taken in its twofold character, and in all its great principles of two governments, completely distinct from, and independent of, each other; each constitutional, founded by, and acting directly on, the people; each competent to all its purposes, administering all the blessings for which it was instituted, without even the most remote danger of exercising any of its powers in a way to oppress the people. A system capable of expansion over a vast territory, not only without weakening either government, but enjoying the peculiar advantage of adding thereby, new strength and vigor to the faculties of both; possessing, also, this additional advantage, that, while the several states enjoy all the rights reserved to them, of separate and independent governments, and each is secured by the nature of the federal government, which acts directly on the people against the failure of the others, to bear their equal share of the public burdens, and thereby enjoys, in a more perfect degree, all the advantages of a league, it holds them together by a bond, altogether different and much stronger than the late confederation, or any league that was ever known before; a bond beyond their control, and which can not even be amended except in the mode prescribed by it. So great an effort in favor of human happiness was never made before; but it became those who made it. Established in the new hemisphere; descended from the same ancestors; speaking the same language; having the same religion and universal toleration; born equal, and educated in the same principles of free government; made independent by a common struggle, and menaced by the same dangers; ties existed between them which never applied before to separate communities. They had every motive to bind them together, which could operate on the interests and affections of a generous, enlightened, and virtuous people; and it affords inexpressible consolation to find that these motives had their merited influence.

In thus tracing our institutions to their origin, and pursuing them in their progress and modifications, down to the adoption of this constitution, two important facts have been disclosed, on which it may not be improper, in this stage, to make a few observations. The first is, that, in wresting

the power, or what is called the sovereignty, from the crown, it passed directly to the people. The second, that it passed directly to the people of each colony, and not to the people of all the colonies, in the aggregate; to thirteen distinct communities, and not to one. To these two facts, each contributing its equal proportion, I am inclined to think that we are, in an eminent degree, indebted for the success of our revolution. By passing to the people, it vested in a community, every individual of which had equal rights, and a common interest. There was no family dethroned among us; no banished pretender in a foreign country, looking back to his connexions and adherents here, in the hope of a recall; no order of nobility, whose hereditary rights in the government had been violated; no hierarchy, which had been degraded and oppressed. There was but one order, that of the people, by whom everything was gained by the change. I mention it also as a circumstance of peculiar felicity, that the great body of the people had been born and educated under these equal and original institutions. Their habits, their principles, and their prejudices, were, therefore, all on the side of the revolution, and of free republican government.

Had distinct orders existed, our fortune might, and probably would, have been different. It would scarcely have been possible to have united, so completely, the whole force of the country against a common enemy. A contest would probably have arisen in the outset, between the orders, for the control. Had the aristocracy prevailed, the people would have been heartless. Had the people prevailed, the nobility would probably have left the country, or remaining behind, internal divisions would have taken place in every state, and a civil war broken out more destructive even than the foreign, which might have defeated the whole movement. Ancient and modern history is replete with examples proceeding from conflicts between distinct orders; of revolutions attempted, which proved abortive; of republics, which have terminated in despotism. It is owing to the simplicity of the elements of which our system is composed, that the attraction of all the parts has been to a common centre; that every change has tended to cement the union; and, in short, that we have been blessed with such glorious and happy success.

And that the power wrested from the British crown passed to the people of each colony, the whole history of our political movement, from the emigration of our ancestors to the present day, clearly demonstrates. What produced the revolution? The violation of our rights. What rights? Our chartered rights. To whom were the charters granted? To the people of each colony, or to the people of all the colonies as a single community? We know that no such community as the aggregate existed; and, of course, that no such rights could be violated. It may be added that the nature of the powers which were given to the delegates by each colony, and the manner in which they were executed, show that the sovereignty was in the people of each, and not in the aggregate. They respectively presented credentials, such as are usual between ministers of separate powers, which were examined and approved, before they entered on the discharge of the important duties committed to them. They voted, also, by colonies, and not individually, all the members from one colony being entitled to one vote only. This fact, alone, the first of our political association, and at the period of our greatest peril, fixes beyond all controversy, the source whence the power which has directed and secured success to all our measures, has proceeded.

Had the sovereignty passed to the aggregate, consequences might have

ensued, admitting the success of our revolution, which might, even yet, seriously affect our system. By passing to the people of each colony, the opposition to Great Britain, the prosecution of the war, the declaration of independence, the adoption of the confederation, and of this constitution, are all imputable to them. Had it passed to the aggregate, every measure would be traced to that source; even the state governments might be said to have emanated from it, and amendments of their constitutions, on that principle, be proposed by the same authority. In short, it is not easy to perceive all the consequences into which such a doctrine might lead. It is obvious, that the people in mass would have much less agency in all the great measures of the revolution, and in those which followed, than they actually had, and proportionably less credit for their patriotism and services, than they are now entitled to and enjoy. By passing to the people of each colony, the whole body in each were kept in constant and active deliberation, on subjects of the highest national importance, and in the supervision of the conduct of all the public servants, in the discharge of their respective duties. Thus the most effectual guards were provided against abuses and dangers of every kind, which human ingenuity could devise, and the whole people rendered more competent to the self-government which, by an heroic exertion, they had acquired.

I will now proceed to examine the powers of the general government, which, like the governments of the several states, is divided into three branches, a legislative, executive, and judiciary, each having its appropriate share. Of these, the legislative, from the nature of its powers, all laws proceeding from it, and the manner of its appointment, its members being elected immediately by the people, is by far the most important. The whole system of the national government may be said to rest, essentially, on the powers granted to this branch. They mark the limit within which, with few exceptions, all the branches must move in the discharge of their respective functions. It will be proper, therefore, to take a full and correct view of the powers granted to it.

By the 8th section of the first article of the constitution, it is declared that Congress shall have power:—

1st. To lay and collect taxes, duties, imposts, and excises; to pay the debts, and provide for the common defence and general welfare of the United States;

2d. To borrow money;

3d. To regulate commerce with foreign nations, and among the several states, and with the Indian tribes;

4th. To establish a uniform rule of naturalization, and uniform laws respecting bankruptcies;

5th. To coin money, regulate the value thereof, and of foreign coin, and fix the standard of weights and measures;

6th. To provide for the punishment of counterfeiting the securities and current coin of the United States;

7th. To establish postoffices and postroads;

8th. To promote the progress of science and useful arts, by securing, for limited times, to authors and inventors, the exclusive right to their respective writings and discoveries;

9th. To constitute tribunals inferior to the supreme court, to define and punish piracies and felonies committed on the high seas, and offences against the laws of nations;

10. To declare war, grant letters of marque and reprisal, and make rules concerning captures on land and water;

11th. To raise and support armies;

12th. To provide and maintain a navy;

13th. To make rules for the government of the land and naval forces;

14th. To provide for calling forth the militia to execute the laws of the union, suppress insurrections, and repel invasions;

15th. To provide for organizing, arming, and disciplining, the militia, and for governing such part of them as may be in the service of the United States, reserving to the states the appointment of the officers, and the authority of training the militia according to the discipline prescribed by Congress;

16th. To exercise exclusive legislation, in all cases whatever, over such district (not exceeding ten miles square), as may, by the cession of particular states, and the acceptance of by Congress, become the seat of government of the United States; and to exercise like authority over all places purchased, by the consent of the legislature of the state in which the same may be, for the erection of forts, magazines, arsenals, dock-yards, and other needful buildings;

17. And to make all laws which shall be necessary and proper for carrying into execution the foregoing powers, and all other powers vested by this constitution in the government of the United States, or in any department or officer thereof.

To the other branches of the government, the powers properly belonging to each are granted. The president, in whom the executive power is vested, is made commander-in-chief of the army and navy, and militia, when called into the service of the United States. He is authorized, with the advice and consent of the senate, two thirds of the members present concurring, to form treaties; to nominate, and, with the advice and consent of the senate, to appoint ambassadors, other public ministers and consuls, judges of the supreme court, and all other officers whose appointments are not otherwise provided for by law. He has power to grant reprieves and pardons for offences against the United States, except in cases of impeachment. It is made his duty to give to Congress, from time to time, information of the state of the union; to recommend to their consideration such measures as he may judge necessary and expedient, to convene both houses on extraordinary occasions, to receive ambassadors; and to take care that the laws be faithfully executed.

The judicial power is vested in one supreme court, and in such inferior courts as Congress may establish; and it is made to extend to all cases, in law and equity, arising under the constitution, the laws of the United States, and treaties made under their authority. Cases affecting ambassadors and other public characters; cases of admiralty and maritime jurisdiction; causes in which the United States are a party; between two or more states; between citizens of different states; between citizens of the same state, claiming grants of land under different states; between a state or the citizens thereof, and foreign states—are specially assigned to these tribunals.

Other powers have been granted, in other parts of the constitution, which, although they relate to specific objects, unconnected with the ordinary administration, yet, as they form important features in the government, and may shed useful light on the construction which ought to be given to the powers above enumerated, it is proper to bring into view.

By article 1, sect. 9, clause 1st, it is provided, that the migration or importation of such persons, as any of the states, now existing, shall think proper to admit, shall not be prohibited by Congress, prior to the year 1808, but a tax or duty may be imposed on such importation, not exceeding ten dollars for each person.

By article 3, sect. 3, clause 1st, new states may be admitted by Congress into the union, but that no new state shall be formed within the jurisdiction of another state, nor any state be formed by the junction of two or more states, or parts of states, without the consent of the legislature of the states concerned, as well as of the United States. And, by the next clause of the same article and section, power is vested in Congress to dispose of, and make all needful rules and regulations respecting, the territory or other property belonging to the United States, with a proviso, that nothing in the constitution shall be so construed as to prejudice any claims of the United States, or of any particular state.

By article 4, sect. 4, the United States guaranty to every state a republican form of government, and engage to protect each of them against invasion: and, on application of the legislature, or the executive, when the legislature can not be convened, against domestic violence.

Of the other parts of the constitution, relating to power, some form restraints on the exercise of the powers granted to Congress, and others on the exercise of the powers remaining to the states. The object, in both instances, is, to draw, more completely, the line between the two governments, and also to prevent abuses by either. Other parts operate like conventional stipulations between the states, abolishing between them all distinctions, applicable to foreign powers, and securing to the inhabitants of each state all the rights and immunities of citizens in the several states.

By the fifth article, it is provided, that Congress, whenever two thirds of both houses shall deem it necessary, shall propose amendments, or, on the application of the legislatures of two thirds of the several states, shall call a convention for proposing amendments, which, in either case, shall be valid, as a part of the constitution, when ratified by the legislatures of three fourths of the several states, or by conventions in three fourths thereof, as the one or the other mode may be proposed by Congress; provided that no state, without its consent, shall be deprived of its equal vote in the senate, and that no amendment which may be made prior to the year 1808, shall affect the first and fourth clauses in the ninth section of the first article.

By the second section of the sixth article, it is declared, that the constitution, and laws of the United States, which shall be made in pursuance thereof, and all treaties made under the authority of the United States, shall be the supreme law of the land; and, that the judges in every state shall be bound thereby, anything in the constitution or laws of any state to the contrary notwithstanding. This right in the national government to execute its powers was indispensable to its existence. If the state governments had not been restrained from encroaching on the powers vested in the national government, the constitution, like the confederation, would soon have been set at naught; and it was not within the limit of the human mind to devise any plan for the accomplishment of the object, other than by making a national constitution, which should be to the extent of its powers, the supreme law of the land. This right in the national government would have existed, under the constitution, to the full extent provided for by this declaration, had it not been made. To prevent the possibility

of a doubt, however, on so important a subject, it was proper to make the declaration.

Having presented above a full view of all the powers granted to the United States, it will be proper to look to those remaining to the states. It is by fixing the great powers which are admitted to belong to each government, that we may hope to come to a right conclusion respecting those in controversy between them. In regard to the national government, this task was easy, because its powers were to be found in *specific* grants in the constitution; but it is more difficult to give a detail of the powers of the state governments, as their constitutions, containing all powers granted by the people, not specifically taken from them by grants to the United States, can not well be enumerated. Fortunately, a precise detail of all the powers remaining to the state governments, is not necessary in the present instance. A knowledge of their great powers, only, will answer every purpose contemplated; and respecting these there can be no diversity of opinion. They are sufficiently recognised and established by the constitution of the United States itself. In designating the important powers of the state governments, it is proper to observe, first, that the territory contemplated by the constitution belongs to each state, in its separate character, and not to the United States in their aggregate character. Each state holds territory according to its original charter, except in cases where cessions have been made to the United States, by individual states. The United States had none when the constitution was adopted, which had not been thus ceded to them, and which they held on the conditions on which such cession had been made. Within the individual states, it is believed, that they held not a single acre; but, if they did, it was as citizens held it, merely as private property. The territory acquired by cession, lying without the individual states, rests on a different principle, and is provided for by a separate and distinct part of the constitution. It is the territory within the individual states, to which the constitution, in its great principles, applies; and it applies to such territory as the territory of a state, and not as that of the United States. The next circumstance to be attended to, is, that the people composing this union are the people of the several states, and not of the United States, in the full sense of a consolidated government. The militia are the militia of the several states; lands are held under the laws of the states; descents, contracts, and all the concerns of private property, the administration of justice, and the whole criminal code, except in the cases of breaches of the laws of the United States, made under, and in conformity with, the powers vested in Congress, and of the laws of nations, are regulated by state laws. This enumeration shows the great extent of the powers of the state governments. The territory and the people form the basis on which all governments are founded. The militia constitutes their effective force. The regulation and protection of property, and of personal liberty, are also among the highest attributes of sovereignty. This, without other evidence, is sufficient to show, that the great office of the constitution of the United States is, to unite the states together, under a government endowed with powers adequate to the purposes of its institution, relating, directly or indirectly, to foreign concerns, to the discharge of which, a national government, thus formed, alone could be competent.

This view of the exclusive jurisdiction of the several states over the territory within their respective limits, except in cases otherwise specially provided for, is supported by the obvious intent of the several powers

granted to Congress, to which a more particular attention is now due. Of these, the right to declare war is, perhaps, the most important, as well by the consequences attending war, as by the other powers granted in aid of it. The right to lay taxes, duties, imposts, and excises, though necessary for the support of the civil government, is equally necessary to sustain the charges of war; the right to raise and support armies, and a navy, and to call forth and govern the militia, when in the service of the United States, are altogether of the latter kind. They are granted in aid of the power to make war, and intended to give effect to it. These several powers are of great force and extent, and operate more directly within the limits and upon the resources of the states, than any of the other powers. But still they are means only for given ends. War is declared, and must be maintained. An army and a navy must be raised; fortifications must be erected for the common defence; debts must be paid. For these purposes duties, imposts, and excises, are levied; taxes are laid; the lands, merchandise, and other property of the citizens, are liable for them; the money is not paid, seizures are made, and the lands are sold. The transaction is terminated; the lands pass into other hands, who hold them as the former proprietors did, under the laws of the individual states. They were means only to certain ends; the United States have nothing further to do with them. The same view is applicable to the power of the general government over persons. The militia is called into the service of the United States; the service is performed; the corps return to the state to which it belongs; it is the militia of such state, and not of the United States. Soldiers are required for the army, who may be obtained by voluntary enlistment, or by some other process, founded in the principles of equality. In either case, the citizen, after the tour of duty is performed, is restored to his former station in society, with his equal share in the common sovereignty of the nation. In all these cases, which are the strongest which can be given, we see that the right of the general government is nothing more than what it is called in the constitution, a power to perform certain acts; and that the subject on which it operates is a mean only to that end; that it was, both before and after that act, under the protection, and subject to the laws, of the individual state within which it was.

To the other powers of the general government the same remarks are applicable, and with greater force. The right to regulate commerce with foreign powers was necessary, as well to enable Congress to lay and collect duties and imposts, as to support the rights of the nation in the intercourse with foreign powers. It is executed at the ports of the several states, and operates almost altogether externally. The right to borrow and coin money, and to fix its value, and that of foreign coin, are important to the establishment of the national government, and particularly necessary in support of the right to declare war; as, indeed, may be considered the right to punish piracy and felonies on the high seas, and offences against the laws of nations. The right to establish a uniform rule of naturalization, and uniform laws respecting bankruptcies, seems to be essentially connected with the right to regulate commerce. The first branch of it relates to foreigners entering the country; the second to merchants who have failed. The right to promote the progress of useful arts and sciences may be executed without touching any of the individual states. It is accomplished by granting patents to inventors, and preserving models, which may be done exclusively within the federal district. The right to consti-

tute courts inferior to the supreme court, was a necessary consequence of the judiciary existing as a separate branch of the general government. Without such inferior court in every state, it would be difficult, and might even be impossible, to carry into effect the laws of the general government. The right to establish postoffices and postroads is essentially of the same character. For political, commercial and social purposes, it was important that it should be vested in the general government. As a mere matter of regulation and nothing more, I presume, was intended by it, it is a power easily executed, and involving little authority within the states individually. The right to exercise exclusive legislation, in all cases whatsoever, over the federal district, and over forts, magazines, arsenals, dock-yards, and other needful buildings, with the consent of the state within which the same may be, is a power of a peculiar character, and is sufficient in itself to confirm what has been said of all the other powers of the general government. Of this particular grant, further notice will hereafter be taken.

I shall conclude my remarks on this part of the subject by observing, that the view which has been presented of the powers and character of the two governments, is supported by the marked difference which is observable in the manner of their endowment. The state governments are divided into three branches, a legislative, executive, and judiciary; and the appropriate duties of each assigned to it, without any limitation of power, except such as is necessary to guard against abuse, in the form of bills of right. But, in instituting the national government, an entirely different principle was adopted and pursued. The government itself is organized, like the state governments, into three branches, but its powers are enumerated and defined in the most precise form. The subject has already been too fully explained to require illustration by a general view of the whole constitution, every part of which affords proof of what is here advanced. It will be sufficient to advert to the eighth section of the first article, being that more particularly which defines the powers, and fixes the character of the government of the United States. By this section, it is declared that Congress shall have power:—

1st. To lay and collect taxes, duties, imposts, excises, &c.

Having shown the origin of the state governments, and their endowments, when first formed; having also shown the origin of the national government, and the powers vested in it; and having shown, lastly, the powers which are admitted to have remained to the state governments, after those which were taken from them by the national government, I will now proceed to examine whether the power to adopt and execute a system of internal improvement, by roads and canals, has been vested in the United States.

Before we can determine whether this power has been granted to the general government, it will be necessary to ascertain, distinctly, the nature and extent of the power requisite to make such improvements. When that is done, we shall be able to decide whether such power is vested in the national government.

If the power existed, it would, it is presumed, be executed by a board of skilful engineers, on a view of the whole union, on a plan which would secure complete effect to all the great purposes of our constitution. It is not my intention, however, to take up the subject here, on this scale. I shall state a case for the purpose of illustration only. Let it be supposed that Congress intended to run a road from the city of Washington to

Baltimore, and to connect the Chesapeake bay with the Delaware, and the Delaware with the Raritan, by a canal; what must be done to carry the project into effect? I make here no question of the existing power. I speak only of the power necessary for the purpose. Commissioners would be appointed to trace a route, in the most direct line, paying due regard to heights, water-courses, and other obstacles, and to acquire the right to the ground over which the road and canal would pass, with sufficient breadth for each. This must be done by voluntary grants, or by purchases from individuals, or, in case they would not sell, or should ask an exorbitant price, by condemning the property and fixing its value by a jury of the vicinage. The next object to be attended to, after the road and canal are laid out and made, is to keep them in repair. We know that there are people in every community capable of committing voluntary injuries; of pulling down walls that are made to sustain the road; of breaking the bridges over water-courses, and breaking the road itself. Some living near it might be disappointed that it did not pass through their lands, and commit these acts of violence and waste, from revenge, or in the hope of giving it that direction, though for a short time. Injuries of this kind have been committed, and are still complained of, on the road from Cumberland to the Ohio. To accomplish this object, Congress should have a right to pass laws to punish offenders, wherever they may be found. Jurisdiction over the road would not be sufficient, though it were exclusive. It would seldom happen that the parties would be detected in the act. They would generally commit it in the night, and fly far off before the sun appeared. The power to punish these culprits must, therefore, reach them wherever they go. They must, also, be amenable to competent tribunals, federal or state. The power must, likewise, extend to another object, not less essential or important than those already mentioned. Experience has shown that the establishment of turnpikes, with gates and tolls, and persons to collect the tolls, is the best expedient that can be adopted to defray the expense of these improvements, and the repairs which they necessarily require. Congress must, therefore, have power to make such an establishment, and to support it, by such regulations, with fines and penalties, in the case of injuries, as may be competent to the purpose. The right must extend to all those objects, or it will be utterly incompetent. It is possessed and exercised by the states individually, and it must be possessed by the United States, or the pretension must be abandoned.

Let it be further supposed that Congress, believing that they do possess the power, have passed an act for those purposes, under which commissioners have been appointed, who have begun the work. They are met at the first farm on which they enter, by the owner, who forbids them to trespass on his land. They offer to buy it at a fair price, or at twice or thrice its value. He persists in his refusal. Can they, on the principle recognised and acted on by all the state governments, that, in cases of this kind, the obstinacy and perverseness of an individual must yield to the public welfare, summon a jury of upright and discreet men to condemn the land, value it, and compel the owner to receive the amount, and to deliver it up to them? I believe that very few would concur in the opinion that such a power exists.

The next object is to preserve these improvements from injury. The locks of the canal are broken; the walls which sustained the road are pulled down; the bridges are broken; the road itself is ploughed up; toll is refused to be paid; the gates of the canal or turnpike are forced. The

offenders are pursued, caught, and brought to trial. Can they be punished? The question of right must be decided on principle. The culprits will avail themselves of every barrier, that may serve to screen them from punishment. They will plead that the law, under which they stand arraigned, is unconstitutional, and that question must be decided by the court, whether federal or state, on a fair investigation of the powers vested in the general government by the constitution. If the judges find that these powers have not been granted to Congress, the prisoners must be acquitted; and, by their acquittal, all claim to the right to establish such a system is at an end.

I have supposed an opposition to be made to the right in Congress, by the owner of the land, and other individuals charged with breaches of statutes made to protect the work from injury, because it is the mildest form in which it can present itself. It is not, however, the only one. A state, also, may contest the right, and then the controversy assumes another character. Government might contend against government; for, to a certain extent, both the governments are sovereign and independent of each other, and in that form it is possible, though not probable, that opposition might be made. To each limitations are prescribed, and should a contest rise between them, respecting their rights, and the people sustain it with anything like an equal division of numbers, the worst consequences might ensue.

It may be urged that the opposition suggested by the owner of the land, or by the states individually, may be avoided by a satisfactory arrangement with the parties. But a suppression of opposition in that way, is no proof of a right in Congress, nor could it, if confined to that limit, remove all the impediments to the exercise of the power. It is not sufficient that Congress may, by the command and application of the public revenue, purchase the soil, and thus silence that class of individuals; or, by the accommodation afforded to individual states, put down opposition on their part. Congress must be able rightfully to control all opposition, or they can not carry the system into effect. Cases would inevitably occur to put the right to the test. The work must be preserved from injury; tolls must be collected; offenders must be punished. With these culprits no bargain can be made. When brought to trial, they must deny the validity of the law, and that plea being sustained, all claim to the right ceases.

If the United States possess this power, it must be, either because it has been specifically granted, or that it is incidental, and necessary to carry into effect some specific grant. The advocates for the power derive it from the following sources: 1st, the right to establish postoffices and postroads; 2d, to declare war; 3d, to regulate commerce among the several states; 4th, from the power to pay the debts and provide for the common defence and general welfare of the United States; 5th, from the power to make all laws necessary and proper for carrying into execution all the powers vested by the constitution in the government of the United States, or in any department or officer thereof; 6th, and lastly, from the power to dispose of, and make all needful rules and regulations respecting, the territory and other property of the United States. It is to be observed, that there is but little accord among the advocates for this power, as to the particular source whence it is derived. They all agree, however, in ascribing it to some one or more of those above-mentioned. I will examine the ground of the claim in each instance.

The first of these grants is in the following words: "Congress shall have

power to establish postoffices and postroads." What is the just import of these words, and the extent of the grant? The word "establish," is the ruling term; "postoffices and postroads" are the subjects on which it acts. The question, therefore, is, what power is granted by that word? The sense in which words are commonly used, is that in which they are to be understood in all transactions between public bodies and individuals. The intention of the parties is to prevail; and there is no better way of ascertaining it, than by giving to the terms used their ordinary import. If we were to ask any number of our most enlightened citizens, who had no connexion with public affairs, and whose minds were unprejudiced, what was the import of the word "establish," and the extent of the grant which it controls, we do not think that there would be any difference of opinion among them. We are satisfied that all of them would answer, that a power was thereby given to Congress, to fix on the towns, courthouses, and other places, throughout our Union, at which there should be postoffices; the routes by which the mails should be carried from one postoffice to another, so as to diffuse intelligence as extensively, and to make the institution as useful, as possible; to fix the postage to be paid on every letter and packet thus carried, to support the establishment, and to protect the postoffices and mails from robbery, by punishing those who should commit the offence. The idea of a right to lay off the roads of the United States, on a general scale of improvement; to take the soil from the proprietor by force; to establish turnpikes and tolls, and to punish offenders in the manner stated above, would never occur to any such person. The use of the existing road, by the stage, mail-carrier, or postboy, in passing over it as others do, is all that would be thought of; the jurisdiction and soil remaining to the state, with a right in the state, or those authorized by its legislature, to change the road at pleasure.

The intention of the parties is supported by other proof, which ought to place it beyond all doubt. In the former act of government, the confederation, we find a grant for the same purpose, expressed in the following words: "The United States in Congress assembled, shall have the sole and exclusive right and power of establishing and regulating postoffices from one state to another, throughout the United States, and of exacting such postage on the papers passing through the same, as may be requisite to defray the expenses of said postoffice." The term "establish" was likewise the ruling one in that instrument, and was evidently intended, and understood, to give a power simply and solely to fix where there should be postoffices. By transferring this term from the confederation into the constitution, it was doubtless intended that it should be understood in the same sense in the latter that it was in the former instrument, and to be applied alike to postoffices and postroads. In whatever sense it is applied to postoffices, it must be applied in the same sense to postroads. But it may be asked, if such was the intention, why were not all the other terms of the grant transferred with it? The reason is obvious. The confederation being a bond of union between independent states, it was necessary, in granting the powers which were to be exercised over them, to be very explicit and minute in defining the powers granted. But the constitution, to the extent of its powers, having incorporated the states into one government, like the government of the states, individually, fewer words in defining the powers granted by it, were not only adequate, but, perhaps, better adapted to the purpose. We find that brevity is a characteristic of the instrument. Had it been intended to convey a more en-

larged power in the constitution than had been granted in the confederation, surely the same controlling term would not have been used; or other words would have been added, to show such intention, and to mark the extent to which the power should be carried. It is a liberal construction of the powers granted in the constitution, by this term, to include in it all the powers that were granted in the confederation, by terms which specifically defined and (as was supposed) extended their limits. It would be absurd to say, that, by omitting from the constitution any portion of the phraseology which was deemed important in the confederation, the import of the term was enlarged, and, with it, the powers of the constitution, in a proportional degree, beyond what they were in the confederation. The right to exact postage and to protect the postoffices and mails from robbery, by punishing the offenders, may fairly be considered as incidents to the grant, since, without it, the object of the grant might be defeated. Whatever is absolutely necessary to the accomplishment of the object of the grant, though not specified, may fairly be considered as included in it. Beyond this, the doctrine of incidental power can not be carried.

If we go back to the origin of our settlements and institutions, and trace their progress down to the revolution, we shall see that it was in this sense, and none other, that the power was exercised by all our colonial governments. Postoffices were made for the country, and not the country for them. They are the offspring of improvement; they never go before it. Settlements are first made; after which the progress is uniform and simple, extending to objects in regular order, most necessary to the comfort of man—schools, places of worship, courthouses, and markets; post-offices follow. Roads may, indeed, be said to be coeval with settlements. They lead to all the places mentioned, and to every other which the various and complicated interests of society require.

It is believed that not one example can be given, from the first settlement of our country to the adoption of this constitution, of a postoffice being established without a view to existing roads; or of a single road having been made by pavement, turnpike, &c., for the sole purpose of accommodating a postoffice. Such, too, is the uniform progress of all societies. In granting, then, this power to the United States, it was undoubtedly intended by the framers and ratifiers of the constitution, to convey it in the sense and extent only in which it had been understood and exercised by the previous authorities of the country.

This conclusion is confirmed by the object of the grant and the manner of its execution. The object is the transportation of the mail throughout the United States, which may be done on horseback, and was so done until lately, since the establishment of stages. Between the great towns, and in other places where the population is dense, stages are preferred, because they afford an additional opportunity to make a profit from passengers. But where the population is sparse, and on crossroads, it is generally carried on horseback. Unconnected with passengers and other objects, it can not be doubted that the mail itself may be carried in every part of our Union, with nearly as much economy and greater despatch, on horseback, than in a stage; and in many parts with much greater. In every part of the Union in which stages can be preferred, the roads are sufficiently good, provided those which serve for every other purpose will accommodate them. In every other part, where horses alone are used, if other people pass them on horseback, surely the mail-carrier can. For an object so simple and so easy in the execution, it would doubtless ex-

cite surprise, if it should be thought proper to appoint commissioners to lay off the country on a great scheme of improvement, with the power to shorten distances, reduce heights, level mountains, and pave surfaces.

If the United States possessed the power contended for under this grant, might they not, in adopting the roads of the individual states for the carriage of the mail, as has been done, assume jurisdiction over them, and preclude a right to interfere with or alter them? Might they not establish turnpikes, and exercise all the other acts of sovereignty, above stated, over such roads, necessary to protect them from injury, and defray the expense of repairing them? Surely, if the right exists, these consequences necessarily followed, as soon as the road was established. The absurdity of such a pretension must be apparent to all who examine it. In this way a large portion of the territory of every state might be taken from it, for there is scarcely a road in any state which will not be used for the transportation of the mail. A new field for legislation and internal government would thus be opened.

From this view of the subject, I think that we may fairly conclude, that the right to adopt and execute a system of internal improvement, or any part of it, has not been granted to Congress under the power to establish postoffices and postroads; that the common roads of the country only were contemplated by that grant, and are fully competent to all its purposes.

The next object of inquiry is, whether the right to declare war includes the right to adopt and execute this system of improvement? The objections to it are, I presume, not less conclusive than those which are applicable to the grant which we have just examined.

Under the last-mentioned grant, a claim has been set up to as much of that system as relates to roads. Under this, it extends alike to roads and canals.

We must examine this grant by the same rules of construction that were applied to the preceding one. The object was to take this power from the individual states, and to vest it in the general government. This has been done in clear and explicit terms—first, by granting the power to Congress, and, secondly, by prohibiting the exercise of it by the states. Congress shall have a right to declare war. This is the language of the grant. If the right to adopt and execute this system of improvement is included in it, it must be by way of incident only, since there is nothing in the grant itself which bears any relation to roads and canals. The following considerations, it is presumed, proved, incontestably, that this power has not been granted in that or any other manner.

The United States are exposed to invasion through the whole extent of their Atlantic coast, by any European power with whom we might be engaged in war; on the northern and northwestern frontier, on the side of Canada, by Great Britain, and on the southern by Spain, or any power in alliance with her. If internal improvements are to be carried to the full extent to which they may be useful for military purposes, the power, as it exists, must apply to all the roads of the Union, there being no limitation to it. Wherever such improvements may facilitate the march of troops, the transportation of cannon, or otherwise aid the operations, or mitigate the calamities of war, along the coast, or in any part of the interior, they would be useful for military purposes, and might therefore be made. The power following as an incident to another power can be measured, as to its extent, by reference only to the obvious extent of the power to which it is incidental. So great a scope was, it is believed, never given to incidental power.

If it had been intended that the right to declare war should include all the powers necessary to maintain war, it would follow that nothing would have been done to impair the right, or to restrain Congress from the exercise of any power which the exigencies of war might require. The nature and extent of this exigency would mark the extent of the power granted, which should always be construed liberally, so as to be adequate to the end. A right to raise money by taxes, duties, excises, and by loan; to raise and support armies and a navy; to provide for calling forth, arming, disciplining, and governing the militia, when in the service of the United States; establishing fortifications, and governing the troops stationed in them, independently of the state authorities, and to perform many other acts, is indispensable to the maintenance of war. No war with any great power can be prosecuted with success without the command of the resources of the Union in all these respects. These powers, then, would, of necessity, and by common consent, have fallen within the right to declare war, had it been intended to convey, by way of incident to that right, the necessary powers to maintain war. But these powers have all been granted specifically, with many others, in great detail, which experience had shown were necessary for the purposes of war. By specifically granting, then, these powers, it is manifest that every power was thus granted which it was intended to grant, for military purposes; and that it was also intended that no important power should be included in this grant by way of incident, however useful it might be for some of the purposes of the grant.

By the sixteenth of the enumerated powers, article i., sect. 8, Congress are authorized to exercise exclusive legislation in all cases whatever over such district as may, by cession of particular states, and the acceptance of Congress, not exceeding ten miles square, become the seat of the government of the United States; and to exercise like authority over all places purchased by the consent of the legislature of the state in which the same shall be, for the erection of forts, magazines, arsenals, dockyards, and other useful buildings. If any doubt existed on a view of the other parts of the constitution respecting the decision which ought to be formed on the question under consideration, I should suppose that this clause would completely remove it. It has been shown, after the most liberal construction of all the enumerated powers of the general government, that the territory within the limits of the respective states belonged to them; that the United States had no right, under the powers granted to them, with the exception specified in this grant, to any the smallest portion of territory within a state, all those powers operating on a different principle, and having their full effect without impairing, in the slightest degree, this right in the states; that those powers were, in every instance, means to ends, which, being accomplished, left the subject, that is, the property, in which light only land could be regarded, where it was before—under the jurisdiction, and subject to the laws, of the state governments.

The second number of the clause, which is applicable to military and naval purposes alone, claims particular attention here. It fully confirms the view taken of the other enumerated powers; for, had it been intended to include in the right to declare war, by way of incident, any right of jurisdiction or legislation over territory within a state, it would have been done as to fortifications, magazines, arsenals, dockyards, and other needful buildings. By specifically granting the right, as to such small portions of territory as might be necessary for these purposes, and on certain con-

ditions, minutely and well defined, it is manifest that it was not intended to grant it, as to any other portion, on any condition, for any purpose, or in any manner whatsoever.

It may be said that, although the authority to exercise exclusive legislation in certain cases, within the states, with their consent, may be considered as a prohibition to Congress to exercise like exclusive legislation in any other case, although their consent should be granted, it does not prohibit the exercise of such jurisdiction or power, within a state, as would be competent to all the purposes of internal improvement. I can conceive no ground on which the idea of such a power over any part of the territory of a state can be inferred from the power to declare war. There never can be an occasion for jurisdiction for military purposes, except in fortifications, dockyards, and the like places. If the soldiers are in the field, or are quartered in garrisons without the fortifications, the civil authority must prevail where they are. The government of the troops by martial law is not affected by it. In war, when the forces are increased, and the movement is on a greater scale, consequences follow which are inseparable from the exigencies of the state. More freedom of action, and a wider range of power, in the military commanders, to be exercised on their own responsibility, may be necessary to the public safety; but, even here, the civil authority of the state never ceases to operate It is also exclusive for all civil purposes.

Whether any power, short of that stated, would be adequate to the purposes of internal improvement, is denied. In the case of territory, one government must prevail for all the purposes intended by the grant. The jurisdiction of the United States might be modified in such manner as to admit that of the state in all cases and for all purposes not necessary to the execution of the proposed power. But the right of the general government must be complete for all the purposes above stated. It must extend to the seizure and condemnation of the property, if necessary; to the punishment of offenders for injuries to the roads and canals; to the establishment and enforcement of tolls, &c., &c. It must be a complete right, to the extent above stated, or it will be of no avail. That right does not exist.

The reasons which operate in favor of the right of exclusive legislation in forts, dockyards, &c., do not apply to any other places. The safety of such works, and of the cities which they are intended to defend, and even of whole communities, may sometimes depend on it. If spies are admitted within them in time of war, they might communicate intelligence to the enemy which might be fatal. All nations surround such works with high walls, and keep their gates shut. Even here, however, three important conditions are indispensable to such exclusive legislation: *First.* The ground must be requisite for, and be applied to, those purposes. *Second.* It must be purchased. *Third.* It must be purchased by the consent of the state in which it may be. When we find that so much care has been taken to protect the sovereignty of the states over the territory within their respective limits, admitting that of the United States over such small portions, and for such special and important purposes only, the conclusion is irresistible, not only that the power necessary for internal improvements has not been granted, but that it has been clearly prohibited.

I come next to the right to regulate commerce, the third source from whence the right to make internal improvements is claimed. It is expressed in the following words: "Congress shall have power to regulate



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